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ADMINISTRATIVE ETHICS AND THE RULE OF LAW

FRITZ MORSTEIN MARX
U. S. Bureau of the Budget

I. THE PLACE OF ADMINISTRATIVE ETHICS

"Anybody we like is efficient. Anybody we do not like is a bureaucrat." This good-natured comment on legislative attitudes toward the executive branch was made recently in Congress by an experienced lawmaker, speaking as chairman of a subcommittee of the House Committee on Appropriations.[1] The epigram may be relished for its knowing humor, but its greater significance lies in the light it sheds on one of the most important problems of modern government—the problem of insuring responsible administration in the framework of democratic society.

For, of course, one way of getting nowhere in attempting a solution of this problem is to reduce it to a matter of personal preference. In the broader context, it is plainly irrelevant whether or not "we," as citizens or as lawmakers, happen to "like" the individual administrative official we confront, or the particular public agency, or the functions that have to be performed under the laws, or the general direction in which things are moving in response to the policies of those elected to exercise political control. Nor do our likes and dislikes furnish a trustworthy criterion to mark the border line between "efficient" public service and "bureaucracy."

And yet, for the administrative official it is a familiar experience to encounter sharp animosity on the part of some legislators, as well as some elements of the public, precisely for doing his statutory duty. In a party system like ours, which puts only a small premium on political solidarity, the frequency of such experience is increased because lawmakers exercise great freedom of dissent from legislative measures passed with the support of their own party. In actual fact, therefore, the propriety of administrative action in all too many instances is adjudged

[1] House Committee on Appropriations, *Hearings on the Interior Department Appropriation Bill for 1947*, 79th Cong., 2d Sess., pt. 1 (Washington, 1946), p. 791.

primarily from the vantage point of conscious or unconscious self-interest.

This general tendency, natural though it is, has a strong effect not only on the *mores* and habits of public administration, but also on the ethics of government service. Indeed, the effect is so pervasive that it may seem to place in doubt the very possibility of a coherent body of administrative ethics, rising above pragmatic resort to nimble improvisation. At the same time, it is obvious that the moral standards which enter into the day-by-day conduct of public business leave their mark on the whole working approach of the executive branch. That is true even when these standards are ill-defined, or inconsistent with one another, or actually incompatible with the logic of the constitutional order. In few areas is the relation between official morality and administrative action more consequential than in the exercise by public agencies of delegated authority to issue regulations binding upon the citizen or to render decisions affecting private rights in compliance with a statutory mandate. Hence it is rather remarkable that this relation has found very little attention in the growing literature on administrative law.[2]

There are several reasons suggesting the desirability of exploring more fully the interplay of administrative ethics and administrative law. Analysis along these lines is likely to give us a better grasp of the difference in outlook between the official charged with the execution of public policies and the judge enforcing restraints of legality. The difference has often been commented upon, but its exact character does not stand out too clearly. Moreover, a closer view of such standards of institutional mortality as can be identified might make it easier to set them apart from mere standards of administrative convenience, which generally deserve much less respect in a collision of public authority and private right.

Then also this kind of investigation brings in focus many of the forces, internal as well as external to the administrative process, which exert a formative influence upon the ethics of government service, including statutory requirements of formal procedure. Procedural requirements laid down by law may bolster the collective conscience of officialdom. But they may also have the opposite effect and impair responsible administration. Whether they lead to the one result or to the other is a

[2] Notwithstanding its beneficial emphasis on the contribution that government agencies themselves are able to make toward improving their rule-making and adjudicatory processes, the Attorney General's Committee on Administrative Procedure did not carry its inquiry into the field of administrative ethics. See its final report, *Administrative Procedure in Government Agencies*, 77th Cong., 1st Sess. (Washington, 1941), Sen. Doc. No. 8.

question that cannot be answered without reference to the sense of right and wrong that is alive in public management.

Although one needs only to talk with a seasoned civil servant to grow aware of the wide range of practical situations where guidance is furnished by moral imperatives, the ethics of the administrative profession are not to be found in any single document. The problem of political activity of government employees has been a subject of legislation,[3] but this segment of our topic, together with recent agitation over "loyalty," we shall here pass over. Apart from legal provisions about political conduct, which still represent exceptions to the general rule, the precepts of administrative morality have their foundation in the maturity of individual judgment and insight. They cannot be said to spring from any common agreement entered into by the civil-service profession. Thus a government official may have firm convictions on many a subtle point, and still see no alternative to resting his case essentially on his own feelings and the lessons taught him in the school of public service.

II. THE CASE FOR A GENERAL BODY OF RULES

To be sure, despite the leeway left to personal point of view, the ethics of the administrative profession are not as ambiguous and elusive as one might assume. A considerable degree of uniformity arises even from purely individual response to issues of morality that recur in the occupational experience of the civil servant. In contrast with other professions,[4] however, public management has devoted less effort to evolving some-

[3] Legislative restrictions of political activity of civil servants have largely been inspired by two different motives. The earlier concern addressed itself to the task of guarding the emerging career service against political inroads. More recently, the emphasis has shifted to minimizing the electoral influence of government employees. For a survey of pertinent legal provisions and the general trend of authoritative opinion, see F. Morstein Marx, "Comparative Administrative Law; Political Activity of Civil Servants," *Virginia Law Review*, Vol. 29 (1942), pp. 52 ff.

[4] Recognition of the importance of common standards of ethics is one of the hallmarks of a profession. This is as true of the oldest professions, like the legal profession, as of the youngest, like the profession of public-relations counselor. On the latter, see John W. Darr, "Professional Ethics of Public Relations Counselors," in *Public Relations Directory and Yearbook* (New York, 1945), pp. 28 ff. For codifications relating to journalism, broadcasting, and the motion picture industry, see *ibid.*, pp. 152 ff. See also Walter Williams, "The Journalist's Creed," *Editor and Publisher*, Vol. 78 (Jan., 1945), p. 35; Ruth Inglis, *Freedom of the Movies* (Chicago, 1947), on the Motion Picture Code; Geoffrey Shurlock, "The Motion Picture Production Code," *Annals of the American Academy of Political and Social Science*, Vol. 254 (1947), pp. 140 ff.; Interprofessional Conference, *Education for Professional Responsibility* (Pittsburgh, 1948). A pertinent study is John L. Carey, *Professional Ethics of Public Accounting* (New York, 1946). More general discussions are Francis J. Connell, *Morals in Politics and Professions* (Westminster, Md., 1946); Benedetto Croce, *Politics and Morals* (New York, 1945); Albert Schweitzer, *Civilization and Ethics* (London, 1946).

thing in the nature of a general code of conduct.[5] The explanation must be sought in a combination of factors.

In the first place, government service divides itself into a great many different occupational groupings, each conscious of its own identity—economists, lawyers, bacteriologists, personnel technicians, budget examiners, forest rangers, and so on. To set forth a body of moral postulates for all of these groupings is patently more difficult than to achieve the same end for the relatively homogeneous medical profession, for instance. Second, in the American public service the top *cadres* in management—below the politically responsible agency head—have not yet been consolidated into a recognized career. Considering the constantly changing composition of the administrative groups at the highest level, it is not surprising that interest in the formulation of canons of service-wide ethics has been weakest where it should have been strongest. And third, we must never forget that public administration, being drawn inevitably into the political process, has to predicate its quest of moral guidance upon the surroundings in which it operates. If its sights are raised too high, its maxims are apt to become quite unrealistic. If its sights are lowered too far, no room may be left for any maxims at all. The need for achieving the right kind of adjustment to the rules of politics has certainly made it less easy to capture the essence of administrative ethics in concise language.

On some specific aspects, however, the morals of public office have been rendered fairly explicit, in the main through custom and tradition, but also through interpretations of statutory clauses and administrative instructions. Such prescriptions, in the words of a leading authority,[6] "usually refer to the duty of diligent and courteous service, care in the use of government property, abstention from political or factional intrigue, loyalty to the responsible authorities, and care to prevent the disclosure of public business. They enjoin impartiality and fairness in dealing with the public, promptness in paying personal debts, forbearance in borrowing money from fellow-employees, and forbid the sale of goods in office hours or the solicitation of contributions." The strongest impression left by this enumeration of customary commandments is that of heterogeneity. There is a little of many things in existing

[5] This does not mean that there is a complete lack of codes of ethics to govern the conduct of public officials. But such codes as are available deal with particular groups. The work of the International City Managers Association deserves special mention. See "The City Manager's Code of Ethics," *Public Management*, Vol. 20 (1938), pp. 304 ff. For further discussion, see also Leonard D. White, *The City Manager* (Chicago, 1927); Clarence E. Ridley and Orin Nolting, *The City-Manager Profession* (Chicago, 1934).

[6] Leonard D. White, *Introduction to the Study of Public Administration* (rev. ed., New York, 1939), p. 459.

regulations—except systematic progression from the fundamental to the incidental.

Moreover, any such enumeration in effect highlights its omissions. Take, for example, the possibility that a public servant has persuaded himself, upon thorough reflection, of the detrimental effect of some acts of his superiors or certain policies of the government. Is he entitled to seek the ear of the public? Our authority suggests that one may arrive at more than one answer: "We may start from the constitutional guarantees of freedom of speech and of publication and reach one conclusion, or we may start from the doctrine of loyalty and reach a contrary view. Should a classified employee publish in professional journals or elsewhere arguments and views which are contrary to those supported by his responsible superiors? Should they be published anonymously? Should disclosure of official acts which might bring criticism of the government be tolerated in the interest of more complete information for the voting public? . . . In general, subordinates in fact refrain from public criticism of their superiors. In cases of serious disagreement, however, subordinates will at times disclose their views publicly. In some instances, where the public interest is being betrayed, it is their duty to do so, even at heavy cost to themselves. In others, ethical considerations will lead an employee to resign and then to make a public statement of his reasons for doing so."[7] Allowing for all kinds of differences in circumstances, the ethical necessity of resignation seems to give strong support to the unwelcome inference that the problem may not admit of solution on the basis of administrative morality.

The result would presumably be different under a more inclusive regimen of service ethics. As an illustration, one may turn to the outline supplied some time ago by an English student of government, even though his effort was intentionally speculative rather than descriptive. As he put it, the servant of the public should impress upon his mind "that the public welfare is his sole end . . . . Since only what best serves the State is best, it is a breach of official faith to show favouritism and jealousy in the course of his official duties on grounds of race, creed, class, sex, family ties, and all those other interests and loyalties which command us even when we are most unconscious of them, and precisely then have their most powerful influence. . . . The representative assembly

[7] *Ibid.*, pp. 459–460. More assurance is expressed in the following related comment: "An ethical problem which admits a reasonably precise conclusion arises when scientific findings are rejected because they are politically unsatisfactory, followed by either a refusal to publish or by a request for their modification. To the credit of scientific and professional workers, such circumstances are customarily followed by absolute refusal, backed up if necessary by resignation. A scientist will not and ought not to allow trifling with his findings." *Ibid.*, p. 460. However, the conclusion here reached appears to be derived from the ethics of the scientist rather than from the ethics of public administration.

and its organs will lay down the limits within which he may act officially, and he owes obedience. Tolerant and kindly to . . . the public he serves, he must use his official authority no more than the interests of the service require, and suppress the impulse of personal dominion, since his command is held only as a trust for society."[8] For practical application, this statement may suffer from too much generality. But it does strike at some very basic propositions.

Appreciation of basic propositions like these has been gaining ground only slowly. It is encouraging, however, that more recently the voices pleading for greater attention to the implications of administrative morality have increased both in number and in urgency. To quote a spokesman of scientific management in England: "Can we develop an effective administration in the modern sense, can public servants play their proper part in the management of the State, without a professional and ethical code which is proof against political pressure and which is recognized by the public as a salutary check on the abuse of transient political power? . . . in the field of administration the Civil Servant is, or should be, a professional expert, which Cabinet Ministers are not. And in matters which concern administrative technique as opposed to policy he is or should be increasingly scientific in method. But science in method is impossible without respect for facts, and recognition that administrative technique is a matter of principle, not of opinion. Moreover, effective instruments of control cannot be developed, unless it is accepted by all concerned that . . . breaches of administrative principle are as unethical as any other form of fraud."[9]

What is still more significant, the same author indicates the practical mechanics by which such an "ethical code" could be made to work: "If the Civil Servant, without damage to his professional prospects, was enabled to apply for a transfer when a Minister called for action contrary to generally established administrative code, and was expected to do so as a matter of professional honour rather than remain a party to unethical practices in the administrative sense, his usefulness would be much increased."[10] The difference between resignation and request for

[8] Herman Finer, "The Civil Service and the Modern State; Discipline and Rights," *Public Administration*, Vol. 7 (1929), p. 332.

[9] Lyndall Urwick, *The Elements of Administration* (London, 1943), pp. 100–101.

[10] *Ibid.* Of course, a line of demarcation must be drawn between the public servant's objection to being made "a party to unethical practices in the administrative sense" and a *prima donna* attitude that militates against coöperation in any matter where he cannot have things exactly his own way. Administrative ethics, properly conceived, must reflect the needs of man in organization, as contrasted with man as a self-sufficient individual. Even free enterprise does not permit the head of a business to lose sight of his rôle in his own organization. Thus, "in addition to the stereotype of our classical economists—the 'Economic Man'—there is an 'Administrative Man' who is part of a complicated organiza-

transfer is great. Resignation implies a breakdown in internal adjustment. Request for transfer, on the other hand, serves to affirm the moral tenets of public administration. This is a wholly desirable influence, even when in the individual case reasonable minds may neither come out with one and the same answer nor find the particular issue altogether clear-cut.

In contrast with legal stipulations imposed by higher authority, a body of administrative ethics drawn from the purpose and ideals of public service has certain self-enforcing qualities. "No supervision from above can be as effective as an automatic control on the minds of those possessing it and creating standards of efficiency as well as honesty. Any deviation from the common standards under such circumstances is likely to be discovered sooner or later and rooted out."[11] True enough, in trying to fashion for himself this kind of "automatic control," the public servant needs more than a pencil and a copybook. "Our society in transition cannot offer him a ready-made system of values to which he ought to subscribe. But we are anxious to see him set himself new standards of behavior through his position and prominence within the community rather than to see him follow the somewhat dubious patterns of the past."[12] The rules, then, that ought to govern official conduct should be lifted above the plane of present imperfections. The task is not to make a system out of diverse current usages, but to increase the fitness of public administration for its rôle in modern society.

By stating the terms of reference in this manner, we can attain a large measure of protection against the ever-present danger that professional ethics be distorted into articles of etiquette or ornaments of self-interest. As a thoughtful critic of prevailing professional attitudes has argued, "The record shows that in very few cases has the dominant group of any profession—by that I mean the one composed of the largest number of most representative and best qualified practitioners—sought to advance the public interest by group action except as through its publications and preachments it may encourage the members to a higher level of

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tion trying to achieve results. Employers and employees partake of both. In his rôle as 'Economic Man,' an employer's concern is with profits. As 'Administrative Man, his concern is the teamwork and satisfaction of those in his employ. For labor was correct when it resented being called solely a commodity. And not to recognize that besides the economic problems there were human administrative problems, was a cardinal error of our 19th century economics." Sam A. Lewisohn, "Human Relations in Industry," *Advanced Management*, Vol. 11 (1946), p. 97.

[11] Otto Kirchheimer, "The Historical and Comparative Background of the Hatch Law," in Carl J. Friedrich and Edward S. Mason [eds.], *Public Policy* (Cambridge, Mass., 1941), p. 365.

[12] *Ibid.*, p. 373.

technical performance."[13] Rejecting such self-limitation as a social waste of resources, he calls for a change in orientation "to enable our professional men to enlarge their experience, to be public-spirited and objective about what vitally affects them, to fuse an Olympian detachment with a passionate zeal to play the larger game."[14] In this perspective, his first concern is necessarily with a wider conception of professional ethics "as the rules of conduct for effective action looking toward socially desirable ends. Our goal is not to class as ethical only that which society has already decided to be in its best long-run interest. The times require aggressive exploration on a wide scale rather than conformity to accepted patterns."[15]

A fresh and forward-looking approach to the problem of administrative morality is in order. But the subject, obviously, could not effectively be dealt with either in a void or as part of a technology operating under its own natural laws. Management, whether considered an art or a science, shares with other professions the opportunities and limitations residing in the characteristics of our social organization. Few would deny that "the ethics of every profession will be found, on close analysis, to be not much higher and not much lower than the general decency of the nation as a whole. Their nature, at the least, is powerfully moulded by the level of the surrounding and pervading civilization."[16]

This applies with particular force to the ethics of public service, so close to the heart of the polity. The fact, moreover, that we still "lack any general study"[17] of the topic inevitably makes an excursion into the area a more hazardous undertaking. It would thus be folly here to attempt more than a small beginning. Even a small beginning, however, may help both to spot some of the main issues and to build up interest in full-scale inquiry.

III. THE IDEOLOGICAL BASIS OF ADMINISTRATIVE ETHICS

From one angle, public administration may be viewed as the process of managing the large mass of government business, especially the countless recurring transactions that go into the exercise of statutory functions.

[13] Morris L. Cooke, "Professional Ethics and Social Change," *Advanced Management*, Vol. 11 (1946), p. 87. His appraisal of the rôle of the legal profession in social change is of interest, even though it is expressed in very broad generalization: "Lawyers are too much a part of government to be against it in the sense that business men feel themselves in opposition to it. But lawyers' associations as such, and all but a relatively small percentage of practitioners, block liberalizing measures so consistently as to make their passage exceedingly difficult. With the field peculiarly its own, the fact that this profession plays such an ineffective rôle in the rebuilding of our modern society must be chalked up against it," *Ibid.*, p. 91.

[14] *Ibid.*, p. 90. [15] *Ibid.*, p. 85. [16] Finer, *loc. cit.*, *supra* in note 8, p. 334.

[17] White, *op. cit.*, *supra* in note 6, p. 460.

Such a definition tends to place emphasis on the methodology employed —the modes of procedure and the technical tools and devices for accomplishing predetermined ends. In its methodological aspects, public administration may be evaluated as good or bad depending solely on the degree of its efficacy in achieving the goals set for it.[18] The matter of ethics, in this perspective, becomes practical only in so far as the efficacy of administrative performance itself is affected.

In addition to its methodological equipment, however, public administration denotes a concrete structure of control and a specific allocation of authority. In both its organizational structure and the source of its authority, the executive branch shows itself as an integral part of the general political framework. This framework, in turn, is an expression of the fundamental valuations that give different systems of government their distinctive features. The highest task of public administration is therefore to serve as an effective instrument in attaining the purposes of the political order.[19]

It follows that the administrative process is not adequately appraised in terms of an abstract concept of efficiency related only to technical means. There is always the inescapable question of the political effectiveness of public administration, perhaps better called its social efficiency. The only meaningful way in which the social efficiency of the administrative system can be judged is by testing its operations for conformity with the fundamental valuations that inhere in the political order. In their central manifestations, politics and administration are virtually identical.[20] So are, and to the same extent, political morality and administrative morality. It is a sign of decomposition when they pull in different directions.

Administrative morality, then, acquires its inner logic from the political ideology which the machinery of government is expected to translate into social reality. The core of all administrative ethics lies in the ideas

[18] In the historic evolution of the analytical approach to public administration in the United States, the assumption that scientific method made such self-limitation in value judgments either essential or at least highly desirable has carried much weight. For an indication of current drifts of thought, see Avery Leiserson, "Political Limitations on Executive Reorganization," in this REVIEW, Vol. 41 (1947), p. 68 ff.

[19] Proper use of this instrument, under constitutional government, is the prime responsibility of those placed by the electorate in political control. The size of the administrative establishment by itself is irrelevant as long as the structure is such as to accord with the need for control. The constitutional necessity of a "manageable" structure was underscored with particular emphasis in the report of the President's Committee on Administrative Management (Washington, 1937).

[20] This does not mean, of course, that the constitutional distinction between legislative and executive power has no significance, or that administrative business may be conducted equally effectively through legislative methods as through executive methods. On this point with respect to executive reorganization, see Leiserson, *loc. cit.*, *supra* note 18.

that nourish the political system. In the United States, therefore, the morals of public management are inseparable from the equalitarian conception of popular government embedded in the American tradition. As one ethical derivative, and entirely aside from explicit injunctions of constitutional law, administrative authorities are never free to pursue ends at their own absolute discretion, even when discretionary power is conferred upon them by law. At the very least, they must still act as the conscious agents of a democratic community.[21] As another ethical derivative, they must acknowledge a general obligation to direct their actions toward promoting the healthy growth of a free society dedicated to the common good.

These ethical derivatives, naturally, run parallel to the idea of "government of laws." The axiom of "government of laws" has meant different things to different people, but it is altogether unequivocal in proclaiming the primacy of the general norm laid down by the representative assembly. Thus, it categorically rejects any type of personal government, wise or erratic, benevolent or parasitic. Under "government of laws," administrative agencies must live by the general norm. Their power rests on revocable delegation; in no circumstances may it be exercised at variance with the general norm.

On the other hand, the idea of "government of laws" does not carry with it the fallacious notion that the general norm enforces itself, thus eliminating the need for administration and for administrative judgment. All governing is by men.[22] Even when operating under the most detailed instructions, administrative staffs are not turned into inanimate cogs or mindless robots. If they were, the wreckage might be shocking. The decisive point is that they are constantly under the direction of the general norm enunciated by statute.

The formula of "government of laws," being a prohibition of personal government, regards the laws as impersonal—defining a general norm in which is reflected the general interest. In its administrative application, the formula provides a firm foundation for responsible public management, accountable under the general norm. In its legislative application, the formula raises a pointed demand for laws free from the special bias typical of personal government. In short, the formula is inhospitable to the thought of laws contradicting or subverting the general interest, and thus destroying the general norm. For it is only too

[21] For a discussion of some of the implications by a student of philosophy, see Wayne A. R. Leys, "Ethics and Administrative Discretion," *Public Administration Review*, Vol. 3 (1943), pp. 10 ff.

[22] This point has been greatly illuminated by Arthur F. Bentley, *The Process of Government* (Chicago, 1908), a work long overlooked (republished, Bloomington, Ind., 1935).

clear that laws which rip apart the general norm revert to "government of men."

The axiom of "government of laws" subordinates government by men to the supremacy of the general interest promulgated in the statutory enactments of the representative assembly. By giving effect to these enactments, administrative agencies perform a function essential to the operation of the political process. It is by administrative action—"enforcement"—that the general norm proclaimed in the laws secures universal deference in individual behavior. But actual enforcement is only the ultimate weapon in attaining compliance.

The identity of the general interest could easily be lost in the multiplicity of government agencies. Although the motivating force of administrative ethics arises from the political ideology of the community as a single source, each agency tends to develop an individuality of its own. Each agency is always tempted to view its mandate in the narrow perspective of its immediate tasks. The necessary cohesion and synchronization between the various elements of the administrative system can be insured only by structural unification of the executive branch. For this reason, the office of the chief executive is an institution of great practical significance for the success of "government of laws."[23]

The relative growth of the executive branch in modern government has been the object of much comment.[24] What has not been adequately stressed is the beneficial effect of a strengthened executive branch upon the coherence of public policies designed to foster the general interest. The matter would be different if our major parties had grown into effective national bodies; but they have not, or not yet. In the national government, the presidency—above and beyond the executive responsibilities vested in it—is today the foremost constitutional device by which the common welfare can be projected into the life of the nation. In contrast with the legislative branch, the President, elected by one single national constituency, can speak with one voice for his entire constituency.

The President is therefore better placed than any other spokesman of the people to set forth a reasonably consistent program framed in comprehensive terms. Long before the establishment in 1939 of the Executive

[23] A persuasive elaboration of this relationship in the area of the national government is to be found in the work of the President's Committee on Administrative Management (see *supra* note 19) and several of the special studies published under its sponsorship.

[24] For a discussion of the shift in constitutional influence upon the affairs of the nation from the legislative and judicial branches to the executive branch, especially in the context of wartime experience, see Edward S. Corwin, *Total War and the Constitution* (New York, 1947).

Office of the President,[25] the need for appropriate facilities to serve this purpose was recognized in the Budget and Accounting Act of 1921.[26] Aided by the staff organs now at his immediate disposal, the President is equipped to make his influence felt in the continuing contest between the special interests and the general interest. He can play a decisive rôle in overcoming the obstacles to coherent public policy that arise from "the size of the country and the great variety of interests represented in the Congress. The natural incoherence of national parties is one of the justifications for an independent executive."[27]

In looking at the political balance sheet of executive growth, one must therefore bear in mind the connection between executive unity and the needed articulation of the common welfare. The primacy of the general norm is bolstered substantially by the opportunities for an integrating type of leadership provided in the constitutional status of the President. In large measure, the extent to which such leadership makes itself the arm of the general interest marks our success as a nation in achieving unified political action. The greater the unity of national action, and the less the shredding effects of special interests, the easier it is to safeguard administrative ethics as a coherent body of binding precepts. Disruptive tensions invariably originate from a weakening of the general norm grounded in "government of laws."

The dynamics of the modern "service state,"[28] as the form of democratic society in the machine age, present no challenge to "government of laws." Rather, the need today is for shaping public policies in such a way that the tenor of the laws accords constructively with the social and economic necessities of a highly developed industrial order. Effective adjustment cannot be accomplished by unrelated lunges. It calls for a considered program set forth as a political platform in order to make it capable of popular endorsement. Again, the place occupied by the Presi-

[25] In the light of the President's rôle as national leader, the establishment of his Executive Office was a development of truly political importance. As head of the executive branch, with its informational and research facilities, he has at his direct command those means of institutional intelligence and administrative planning that are required in the formation of a balanced program to be considered and acted upon by Congress. On the state of growth of his Executive Office, see F. Morstein Marx [ed.], "Federal Executive Reorganization Re-examined: A Symposium," in this REVIEW, Vol. 40 (1946), pp. 1124 ff.

[26] On the legislative theory that went into the making of the national budget system and on the ramifications of program-planning in the channels of the budget process, see F. Morstein Marx, "The Bureau of the Budget; Its Evolution and Present Rôle," in this REVIEW, Vol. 39 (1945), pp. 653 ff., 869 ff.

[27] Arthur N. Holcombe, "The Changing Outlook for a Realignment of Parties," *Public Opinion Quarterly*, Vol. 10 (1946), p. 456.

[28] The emerging trend toward the service state in the United States as a characteristic of our century was first commented upon by Leonard D. White, *Trends in Public Administration* (New York, 1933), p. 341.

dent in the constitutional system renders him particularly qualified to take the initiative in program formulation. His proposals have the greatest chance of sparking widespread public debate. His delineation of basic issues is likeliest to penetrate through the confusion of special pleadings and to rouse the electorate from indecision or lethargy.

Although least compatible with the service state, civic lethargy and ideological inertia may become its vices when political leadership loses its appeal to the public mind. The extraordinary complexity of contemporary public affairs and the related decline in amateur management of government business are contributing factors. Both have brought about a dissociation of the citizen from administrative operations.[29] This is true of urbanized industrial society everywhere.

New evidence may be found in a recent survey made in England, which in its findings is the more significant since it deals with the conditions of local government, so often presumed to be closest to the voter. The survey noted among the voters the "belief that the administrative machine ticks over very smoothly by itself and that the ordinary citizen need not bother about it. This is not far removed from the feeling of 'theyness,' the belief that control . . . is in the hands of a different kind of people from oneself. 'They' may do the job well or badly, but in either case it is 'their' responsibility and the individual citizen can do nothing about it. This is a dangerous psychological *malaise* of society which, although not easily subject to quantitative analysis, is widespread."[30] The remedy does not lie in any particular policy, but in a change of the general working habits of public administration. One should note that seeking ways of stimulating civic participation in public management is a corollary of the ethical derivative stated earlier—that administrative officials are bound by duty to promote the healthy growth of a free society.

What happens at the base of politics, in the realm of civic attitudes, affects the ideological consciousness of the people, and thus the ground in which administrative ethics have their roots. As a contemporary philosopher has expressed it, "You can't have improved societies with unimproved people."[31] A related matter, no less consequential in the service state, is the degree to which popular views are receptive to a full

[29] Awareness of this tendency has led to conscious emphasis upon new forms of civic participation in the administrative process at the "grass roots" of politics. For a practical demonstration of what can be done along these lines, see David E. Lilienthal, *TVA: Democracy on the March* (New York, 1944).

[30] "Active Democracy—A Local Election," *Planning* (PEP), No. 261 (London, January 24, 1947), p. 11.

[31] Cyril E. M. Joad, *The Adventures of the Young Soldier in Search of the Better World* (New York, 1943), p. 111.

social utilization of expert knowledge, especially in the field of government. It is hardly an exaggeration to say "that in our modern industrial society we have as yet learned neither how to develop nor how to use the professional."[32] How best to employ professional competence to the advantage of the whole community is still an unanswered question.[33]

Much has been made of the peculiar limitations of expert judgment. The fact remains that in public administration as elsewhere the number and influence of professionally trained men and women have constantly increased. The working philosophy of professional staffs is naturally geared to the scientific method and the respect for established facts that goes with it. There are uncounted accomplishments to the expert's credit, but his greatest contribution to the administrative process is indirect. It lies in the objectifying effect of the scientific approach—a highly desirable effect in view of the mission of public management to seek the common good. On the other hand, when use of the expert is surrounded by restrictive influences and narrow motives, issues of ethics are bound to come up more frequently than in the conduct of routine operations. One of the strongest antidotes to such restrictive tendencies is general orientation of government action toward a long-range concept of the general interest.

IV. SOME RULES OF CONDUCT

As was indicated earlier,[34] the literature bearing on our topic lays considerable stress on the support which recognition of the purpose and ideals of public service gives to administrative morality. But what is public service? Is it simply anything done in the name of the government? Or must we look to the spirit in which it is done? Devotion to the business at hand is surely no satisfactory definition. For there is still the question of the nature of the business that is the object of faithful effort. Nor do the formalities of red tape neatly tied offer any dependable guidance.

The same goes for punctuality and concentration in making the hours of duty count. Neither yields a legitimate index to the public character of the activity carried on. The familiar rituals and rigmaroles of discipline in office work in themselves may merely give the civil servant a pedantic bend of mind. On the other extreme, a soaring enthusiasm that wears off with time often ends in a bottomless despondency. Shallow idealism is quickly ground to pieces, and then becomes a source of

[32] Cooke, *loc. cit.*, *supra* in note 13, p. 89.

[33] It has required the experience of World War II to bring this problem into the orbit of governmental interest. For the wartime record, see James P. Baxter, *Scientists Against Time* (Boston, 1946).

[34] See *supra* under II.

frustration. No work worth doing can be expected to proceed continuously along the rim of rosy clouds. A good dose of hard-headed realism frequently makes for more durable incentives to steadiness of performance. In short, public service is neither an attribute of public office nor a reflection of temperament.

True public service is service oriented toward the generality of the public interest. The critical importance of this orientation is perhaps the most compelling reason for insisting on the indivisible unity of administrative ethics, not to be rearranged at will to fit the convenience of particular government functions. Maintaining a public point of view—that is, looking to the *general* interest—is a responsibility common to all official activity. Whatever the specific function of government, each administrative determination must both express and aim at the general interest.[35] Conversely, the very essence of public service is placed in question when the general interest is obscured by manifestations of "government of men"—that is, pursuit of the personal or special interest.[36]

Under "government of laws," as we observed above, the administrative process in its totality must operate under the general norm, in the sense of both "the laws" and the concept of the general interest. This implies of necessity that public management is accountable for its

[35] The process of achieving such synthesis of all relevant interests is basically identical with Mary Parker Follett's concept of "integration," in contrast with the uncreative truce between colliding interests which she called "compromise." For an elaboration, see her collected papers available in H. C. Metcalf and L. Urwick [eds.], *Dynamic Administration* (New York, 1941).

[36] A striking illustration of the ethical conflicts arising under such circumstances is provided in a first-hand report about German university life under Nazi auspices, which describes the peculiar rôle of the career officials in charge of university affairs at the ministerial level. The author suggests that the services of these officials in "most of the German states in upholding German learning deserve more grateful recognition. Their own scientific education had filled them with profound reverence for the great traditions of German university life. With tenacious, patient attention to detail, these bureaucrats constantly erected new dikes against the flood of Nazism. A hundred times their masters compelled them to make bad appointments and to enforce evil measures, but they were always concerned to prevent the inevitable damage from becoming too great. Not the least reason for their opposition to the Party leaders—district and regional leaders, leaders of the teachers' unions, and more of the same—was that these politicos were completely lacking in expert knowledge and, indeed, in any familiarity with learning, for none of these propagandists had really studied, even though, for a time, they may have attended the universities and there played the rôle of political noise-makers. In fact, the less they knew about learning, the more arrogant they were. The humiliations which the German Ministers of Education had to take from the Party leaders are unbelievable. This was true even of Rust, the Reich Minister of Education, to whom Hitler paid as little attention as he did to Kerrl, the Minister of Religion. Their arrogance caused such exasperation that frequently the ministers formed alliances with the professors in order to push through the ministerial measures against the Party officers." Gerhard Ritter, "The German Professor in the Third Reich," *Review of Politics*, Vol. 8 (1946), pp. 249–250.

actions. By legal mechanics alone, accountability can be achieved only to a certain degree. In fact, when officials are held answerable for compliance with a large mass of detailed provisions, as is the custom in American government, their sense of responsibility may grow weaker rather than stronger. Hemmed in by disciplinary sanctions, the civil servant may shy away from any avoidable risk. In the end he will see only the trees, or merely the twigs, rather than the forest. Observance of the letter of regulations, however petty or trivial, may become his main concern. In self-defense, he gropes for the railing of precedent and routine. Institutional solidarities, used as a protective shield, may make him timid in innovation and orthodox in his self-identification with the particular functions that fall to him and the official point of view that crystallizes around him.[37]

Administrative accountability, then, at best is secured merely in part by the imposition of legal controls. At worst, when these controls become topheavy and formalistic, they may actually aid and abet the growth of a sharply limited view of responsibility. Infinitely more important than compelling administrative officials to live up to minutely defined

[37] A very illuminating treatment of the protective mechanisms of institutional solidarity is contained in a piece of satirical writing that poses as a historical account, written in 2048, of British civil service development. To quote the account: "The next important precedent was set in 1973. Some difficulty had been experienced before then in drawing the exact line between what a Minister could and could not do without advice, and the sheer pressure of necessity had led to a progressively greater invasion of what had hitherto been regarded as Ministers' private lives. This applied particularly to the company they kept, by which their confidence in their official advisers might possibly be affected. Ministers' wives could hardly be selected for them by their Departments, since most of them had acquired a wife by the time they arrived at office and the Civil Service could therefore merely insist that the wives should share their husbands' willingness to lead a useful life in the public eye without ever giving evidence of any opinions that differed from those of their husbands' advisers. Whether, if a Minister's wife did not observe these limitations and the Minister was officially advised to divorce her, he would be constitutionally bound to accept advice so tendered is an interesting speculation for which, happily, no precedent gives a clue to the answer. But with more casual acquaintances the case was obviously different, and the matter came to a head in 1973 when the Permanent Secretary to the Ministry of Books and Publications was compelled to take formal notice of the fact that his Minister was seeing altogether too much of a young woman who was not an Established Civil Servant, and had actually induced him to read a book which had not reached him through official channels. The Permanent Secretary was deferential, but firm, and was supported by his colleagues. The Minister did, for a brief moment, contemplate carrying on without advisers, but this, through sheer shortage of personnel, might have involved all the hideous dangers of permitting the newspapers to appear without a competent prior censorship of their contents, since they could hardly be kept waiting more than the customary ten days. It was, therefore, an easy task for the aged Duke of Montgomery (who, with a quarter-century of political experience added to his military fame, was by now the elder statesman of the country) to convince the Minister that he had no alternative to capitulation. This affair, as if to emphasize the continuity of British traditions, has become known as the Second Bedchamber Crisis." Editorial, "The Twilight of Ministers," *Economist*, Vol. 152 (Jan. 25, 1947), p. 135.

requirements of control is their acceptance of an ethical obligation to account to themselves and to the public for the *public* character of their actions. That is to say, they must answer for any failure to make each action breathe the general interest.

Accountability, when built on the moral duty to secure the precedence of the common good, simultaneously directs the public servant to keep himself free from the entanglements of special interest. In a greatly diversified society such as ours, the peril of such entanglements is ever present. This is true especially in the service state, with government functions extensively intertwined with the economic order. "As the power of the official increases, it is all the more imperative in democratic countries to draw a clear distinction between the tenure of public office and the pursuit of private interest—if the official is to remain the executor of national policy and the trusted mediator between conflicting interests of independent groups. We do not want him bound to special interests, not only because he may become forgetful of his duties in a particular case but because we do not wish his methods of thinking and his social attitudes to be tainted by any association with a special group."[38] Though part of the community and drawn into its life as a private individual,[39] the public servant is never free to compromise his official rôle by becoming enmeshed in particular economic interests.

Such constraint is the more essential because of the remarkable degree of specialization typical of present-day government. Specialization, too, leaves its imprint on the frame of reference in which administrative accountability operates. The attachment that develops between the official and his functions tends to limit his field of vision. As his thoughts and energies are progressively absorbed in his work, he finds it difficult to keep himself reminded of the broader goals of public effort. His small world may come to imprison him; as a result, the common good contracts in his mind to the scale of his own desk activity. Unconsciously, he allows his specialization to turn into a going concern running free from the general interest.

When this microcosmic outlook gains the upper hand in the official's daily chores, he may be led to view the entire administrative process as an appendage of his specialized operations. Soon a gulf will open between his business and the basic purpose of public service. Ultimately, subordinating other considerations to the stake he has acquired in his specialization, he shows himself resentful of all higher-level direction. To him, higher-level control is interference.

[38] Kirchheimer, *loc. cit.*, *supra* in note 11, p. 373.

[39] On the scope of the public servant's privacy, especially with respect to the political process, see Wallace S. Sayre, "Political Neutrality," in F. Morstein Marx [ed.], *Public Management in the New Democracy* (New York, 1940), pp. 202 ff.

Such habits of intransigence are not readily overcome by resort to authority. They can be counteracted more effectively when there is self-restraint invigorated by administrative ethics. Whether or not ethical postulates are active in the conscience of the public employee is not something only of significance to him personally. His conduct inevitably affects the administrative mentality around him. However inconspicuous his functions may be, "every professional man must have an eye to the influence he exerts on his environment."[40]

V. RECOGNITION OF THE GENERAL INTEREST

The general norm to which "government of laws" aspires is neither a single covenant nor a rule of coercive uniformity. A free society lives on the implicit assumption of its capacity for defining the common interest without destruction of creative spontaneity and productive variety. "The sense of the common overrides the differences within the group, but it does not abolish them . . . normally the range of the common does not preclude the play of difference. The unity it sustains is not all-embracing. It admits many divergencies of interest and of goal. It admits the conflicts that these divergencies engender, provided they do not reject or cleave asunder the basis of community."[41] The final justification of all government rests on the need for maintaining the superiority of the general interest without sapping the social initiative of the community.

On the other hand, no special interest in a democratic society is entitled to block the advancement of the general welfare. Under party government, as in the United States, a resolution of interest conflict is accomplished to a degree in the operation of the party system. But in American politics this is done only to a small degree. For it is all too evident that our political parties have not been able to strike a rational balance between the interests for whose support they bargain. Moreover, "the history of American politics shows that the national parties originated in political cleavages within the several states and that the characters of the existing parties are largely determined by the nature of the leading interests in the big important states. These interests are tough and durable and are not to be disregarded by national party leaders."[42] As a consequence, reconciliation must be attempted in the administrative process as well as in the political process.

While both processes always function in relation to each other, and while each contributes to the reconciliation of divergent interests, public

[40] Cooke, *loc. cit.*, *supra* in note 13, p. 92.
[41] Robert M. MacIver, *The Web of Government* (New York, 1947), pp. 415–416.
[42] Holcombe, *loc. cit.*, *supra* in note 27, p. 468.

administration obviously has no claim to a political veto. However deep-felt their concern with the common good, government officials are constitutionally out of order in undertaking to serve as a continuing corrective in the political process. Even when a legislative enactment is heavily encumbered with special interest, when the law in actual fact presents itself as an embodiment of "government of men," it does not cease to bind the administrative process. To argue otherwise would merely mean to propose a release of the executive power from the honorable bonds of public service. An official who defies the directive authority of the statute on the strength of his own conception of the public good arrogates to himself final judgment in the political realm. The possibility of defeats of "government of laws" in the legislative arena can certainly not be met by a general reversion to "government of men" from the hands of a self-assured bureaucracy.[43]

Because this point is so central to our constitutional order, the public servant cannot escape the conclusion that the law he has to abide by without defiance may neither be weakened by obstruction. Administrative ethics leave him no option in the matter. The emotional strain on him may be severe when the law sorely tries his sense of general welfare, but the morality of public office holds forth only one answer. Not surprisingly, the answer has sometimes been accepted as less than compelling, especially when the question of ethics was raised in personal terms. The possibility of alternatives is suggested, for example, in the following comment: "Where laws are passed at the instance of a small group . . . , executive officers . . . are placed in the uncomfortable predicament of choosing between the law which they are sworn to execute and the democracy which they serve."[44] In truth, they would no longer be servants of the public in a democracy if, guided by their personal evaluation, they took the law into their own hands. There is no basis in administrative ethics for the official's right to overrule democracy as it is in favor of democracy as it ought to be.

Rarely, however, does a statute strike like lightning out of the clear sky. Legislation ordinarily goes through a prolonged stage of deliberation and committee hearings. In this stage, administrative officers usually have ample opportunity—and are often formally called upon—to render advice on the pending measure. The way they direct the weight

[43] This inference is vigorously supported by all students of modern government who have essayed an appraisal of the growth of the administrative establishment. For a particularly convincing elaboration, see Paul H. Appleby, *Big Democracy* (New York, 1945).

[44] Homer S. Cummings and Carl McFarland, *Federal Justice* (New York, 1937), p. 511. It should perhaps be added that in the context of the quotation the "choice" posed is apparently merely intended to indicate the opposite pulls, but not the official's freedom to disregard the law.

of their expert counsel and testimony is in many instances of consequence. Whether or not they are actuated by the general interest can make a decisive difference in the nature of the legislative product.

In this connection, the organization of the administrative establishment deserves consideration, too. The theoretical unity that manifests itself in the authority of the President is qualified a thousand times by drives for autonomy running through the entire departmental system. One cause of these "divisive drifts in government"[45] is the frequency with which the special interest has been used as the basis of administrative structure. The Department of Agriculture serves the farmer, the Department of Commerce serves the business man, the Department of Labor serves the worker—or so it is widely accepted. Independent boards and commissions—each looking toward particular economic groupings such as banking, aviation, and broadcasting—carry organization by clientele many a step farther. Within individual departments, also, the special interest is anchored in the functional identity of bureaus and divisions, with the departmental high command "often reduced to the task of precarious arbitration."[46] As might be expected, this kind of pattern has encouraged alliances of various degrees of intimacy between administrative officials and the interest groups tied to them jurisdictionally.

The President's ability to marshal broad popular backing gives him a chance of drawing the bulk of interest groups into or at least toward his program. Without this momentum, there is constant danger of a disintegration of the general good into many small interest strips that run from the social and economic sphere into the lawmaking body and the administrative machinery. "The real issue of representation and responsibility is not simply between the chief executive and the legislature, but between the two, on the one hand, and each and all of the departments, bureaus, and legislative committees that seek to go their own ways, on the other."[47] The traditional looseness of internal control within our two major parties as parties offers pressure politics a wide field of operation. So does regard for clientele in the organization of the executive branch.[48]

[45] Wayne Coy, "Basic Problems," in this REVIEW, Vol. 40 (1946), p. 1128.

[46] *Ibid.*, p. 1129. The author points out that "facilities on the level of the departmental leadership for bringing about effective assertion of an agency-wide point of view are still under-developed." *Ibid.*

[47] Don K. Price, "Democratic Administration," in F. Morstein Marx [ed.], *Elements of Public Administration* (New York, 1946), p. 78.

[48] For a searching inquiry into the operation of pressure politics in the administrative sphere, see Pendleton Herring, *Public Administration and the Public Interest* (New York, 1936). See also Stuart Chase, *Democracy Under Pressure* (New York, 1945).

One therefore cannot blame administrative officials for attaching great importance to their particular functions. It is a different matter, however, if they seek to advance or protect these functions by striking their own bargains with the special interest closest to them and with its legislative exponents.[49] The morality of public service refers the official to the general interest. If his liberty of practical maneuvering is not circumscribed by administrative ethics, he is all too often beckoned in the direction of "government of men."

Once more, however, it should be recalled that the official's loyalty to the common good does not imply a negative valuation of the special interest. In the words of Mr. Justice Holmes, "a constitution is made for people of fundamentally differing views. . . . Every opinion tends to become a law."[50] A democratic society strangulates itself when it impairs the free trade in opinion and interest, political, social, economic, and cultural. Variety in these vital goods is strength, not weakness. But there still has to be an order of values.

True enough, the order of values could not be compounded in one unchanging formula, irrespective of circumstance and time. At any given time, however, some order of values must be provided in public policy and administrative program. In this order, the generality of the common good must stand out above the competitive play of special interests. In reinforcing the priority of what is common, administrative morality shows itself as a fountainhead of political ideology.

VI. ADMINISTRATIVE ETHICS AND ADMINISTRATIVE PROCEDURE

Under "government of laws," the requirements of administrative legality are properly in the forefront of public concern. Substitution of the general norm for personal rule makes government agencies, in all their activities, dependent on statutory authorization. Because public

[49] There is room for differentiation, of course, between such narrowly utilitarian bargains and the official's pursuit of general public policy. An illustration is supplied in the following remarks of a high federal official taken from a recent graduation address at the Army's Command and General Staff School: "Perhaps it is fair to say that the world today is living in a sort of international feudalism. The federation will be a long and painful process. In the meantime, we must this time keep the peace, and the best assurance to that end is the maintenance of adequate military strength. This is the story which must be told to the American people. This is the story which you all should quietly but effectively take from the camps and airfields into the towns and cities." W. Stuart Symington, "Teamwork for Defense," *Military Review*, Vol. 26 (Oct., 1946), p. 12. It is at the same time clear how serious such mobilization of administrative views may be when they run counter to the chief executive's program or to general policy, reflecting solely the self-interest of individual departments or even bureaus within departments. See also Col. Guy V. Miller, "Community Relations and the Army Advisory Committees," *ibid.*, Vol. 27 (Aug., 1947), pp. 8 ff.

[50] Lochner v. New York, 198 U.S. 45 (1905), pp. 75–76.

administration is the chief agent of policy, the general norm logically extends to all administrative action. By what means public objectives may be accomplished is a question almost as important in a democracy as the question of the choice among different objectives.

It is therefore easily explained why the law of administrative means in recent decades has commanded such wide interest. Nor is it astonishing that most of the writing devoted to administrative law has been focused on procedural points and particular instrumentalities like public notice and formal hearing. Certainly the problem of setting appropriate bounds to the range of administrative means calls for technical precision and a considerable degree of specificity in reviewable controls. But attention to these needs in no way exhausts the subject. Without intending to minimize the strictly juridical aspects, we may here give emphasis to some of the larger considerations that are of equal relevance to administrative law and administrative ethics.

For the most part, government in action, in the daily experience of the citizen, means action taken by officials exercising delegated power. Whatever the action taken, and however the determinations prompting it may have been arrived at, each act of public authority carries with it great social sanction. Indeed, "most citizens acquiesce in the judgment of 'the Government.' Those of modest means or humble interests rarely question a decision. . . . Others feel that no matter what the outcome, their business or their pocketbooks suffer by a contest."[51] Unless the decision rests on errors plainly perceptible, it ordinarily takes a highly affronted sense of justice or a comfortable budget for litigation to engage an administrative agency in a fight to the finish.

Because "in the vast majority of cases the agency concerned usually speaks the first and last word,"[52] each official in the exercise of administrative power must be profoundly mindful of the consequences of his action. The democratic way of life itself is at stake in the manner in which the general interest is brought to bear on the community. Compulsion devoid of persuasion and explanation is a two-edged sword, likely to leave the individual hurt and antagonistic. Such compulsion has the effect of abuse of power, for democratic use of power must always contribute to a social order committed to the proposition that there is no greater value than the worth and happiness of human beings.

[51] *Op. cit., supra* in note 2, p. 213. The quotation is taken from the additional views and recommendations of a minority of the members of the Attorney General's Committee on Administrative Procedure.

[52] Senate Committee on the Judiciary, *Administrative Procedure Act*, Report No. 752, 79th Cong., 1st Sess. (Washington, 1945), p. 31. For the same reason, the Attorney General's Committee on Administrative Procedure quite realistically centered its approach on the procedural methods of government agencies. See *supra* note 2.

Adherence to a set procedure that draws the official's attention to the legitimate interests of the citizen may go far to satisfy elementary requirements. Procedural safeguards are particularly indispensable where administrative action affects not merely economic advantage but civil liberties or the individual's standing in the community. The integrity of the human personality under law ranks uppermost in our political creed.

There is nothing optional about these safeguards. The common good is not double-tongued. It has not one reply for the official and another for the citizen. Hence, lack of protest from the citizen never heals a wrong inflicted upon him by administrative action. Or, to turn the matter around, official morality directs the public servant to make a real effort to get the citizen's side of the case, because a complete appraisal of the common interest demands knowledge of both sides. Whether the individual affected happens to be resourceful or helpless cannot make a difference. In each instance, the administrative decision would be deficient in truly public purpose if it kept itself aloof from the individual's interest.[53]

On closer analysis, however, it becomes obvious that procedural safeguards are but a partial solution. Democratic administration is not concerned so much with *formal* justice as with winning acceptance for the general interest. Meticulously correct procedure is a step toward, but no insurance of, such acceptance. Something more is needed to convey to all concerned a reasonably clear picture of the public purpose that motivates the administrative decision. Nor is it enough for the citizen to concede reluctantly that there are reasons on the side of the government agency. In addition, he should feel, if only on second thought, that action on the basis of these reasons aims at the same result which he himself ought to have sought as a citizen had he given due consideration to the needs of the community.

To bring about such awareness appears seldom possible in the channels of administrative procedure and law enforcement, especially when accent is placed on expeditious handling of large numbers of cases. The democratic method begs for time—time to establish mutual confidence, time to identify the common denominator, time to gather even the subdued relevancies, time to work out a joint conclusion. But time is precious under budgetary pressures. It seems also so much easier to clear a docket quickly, and "dispose" of such complaints as may come in afterwards. The combination of these factors shifts the burden of

[53] On this point, see John A. Fairlie, "Law Departments and Law Officers in American Government," *Michigan Law Review*, Vol. 36 (1938), p. 913; F. Morstein Marx, "The Lawyer's Rôle in Public Administration," *Yale Law Journal*, Vol. 55 (1946), p. 516.

gaining public understanding and coöperation to the agency's informational program. Telling the citizen in concise language what the laws expect of him is a service of benefit both to him and to the official charged with the execution of the laws. Yet, the most elaborate information service is still a far cry from the intricate processes of reason and emotion by which under "government of laws" different human beings—citizens and officials—may best achieve a positive adjustment to the general norm.[54]

When we talk of fair play in the field of administrative procedure, we therefore touch only some strands in the fabric of citizen-official relationships. Of course, it would be incompatible with public service if the official tried to take advantage of the citizen. Beyond this prohibition, and beyond the requirement of meticulous procedural fairness, the maxims of administrative ethics insist upon an active concern on the official's part with the impact of his decision on the interests of the citizen.

Both the scope of this concern and the forms it may take, moreover, are basically governed by the citizen's needs. For instance, the needs of the baffled individual, unfamiliar with administrative operations, and intimidated by the pointed finger of public authority, are greater and more urgent than the needs of a large business enterprise with its legal department, or a powerful interest group with its central staff of experts. There is a marked contrast in equipment for self-help and litigation. The "little man" depends to a much greater extent on the official's word in finding out what is "right."

Moreover, as a matter of public policy the edge of government regulation may be turned deliberately against certain types of private control or certain business practices which are current among particular special interests. The administrative process, by itself, knows no legitimate partiality toward any one, except a constitutional partiality in favor of the general interest. But policy, as the directing agent, may openly aim at discrimination against identified interests. It may do so as a necessity derived from "government of laws"—in order to defend or advance the common good. It will sometimes do so with a vengeance —as an act of "government of men." Even when there is no evidence of willful retribution, every type of political system demonstrates varying degrees of partiality among the vital interests of the community. Any conceivable program of government action must somehow discriminate

[54] Our scientific knowledge of so fundamental a process as coöperation is very meager—a striking comment on industrial society with its large-scale coöperative structures. One can readily agree with Mary Parker Follett, who said of a closely related process, "Perhaps the greatest of obstacles to integration is our lack of training for it." *Op. cit., supra* in note 35, p. 48.

among these interests. "It is the definition of a state that it is partial: it stands for a hierarchy of purposes, and it is that or it is not a state."[55]

Under duty to carry out regulatory policy viewed as obnoxious by adamant interests, the civil servant faces a situation quite dissimilar to that in which the issue is reduced to evolving a mode of compliance with the general norm endorsed on principle by the citizen himself. The administrative determination assumes a different character when "positions are strongly held, interests clash, and issues are often difficult and technical."[56] In such an atmosphere, informal adjustment, as a rule, is entirely out of the question.

As the Attorney General's Committee on Administrative Procedure has pointed out, here we need some formal devices to make sure "that the special methods of the administrative process operate in such a way as to give convincing assurance, not that the deciding body is indifferent to the result, because it is usually charged with responsibility for continuous protection and advancement of a particular public interest or policy, but that its decision is not motivated by any desire to deal with the parties or their interest otherwise than in the manner which an objective appraisal of the facts and the furtherance of the public duty imposed upon the agency require."[57] Admittedly, formality of procedure has its sharp limitations as a method of democratic adjustment. Within its limitations, however, and applied in situations where nothing else appears to be of avail, it is a last resort of substantial utility.

The limitations of formal procedure merit special recognition in view of the emphasis on legal formality that runs through the Administrative Procedure Act of 1946.[58] In the first place, when public agencies are given a statutory mandate to proceed with a program of action, inflexible strictures upon their approach may cause undesirable delays and official hesitation. Arguments arising over points of procedure may tie up the conduct of regulatory business. Worse than that, the legal mechanics by which protection is sought against overbearing authority or excess of power may be turned by adroit manipulation into avenues of escape from government regulation. Then, too, participation by private interests in administrative rule-making and in disposition of

[55] Herman Finer, *Road to Reaction* (Boston, 1945), p. 52. Perhaps one should add that the test of constructive public policy is the degree to which it succeeds in securing inclusiveness in interest recognition, at least in the longer run.

[56] Attorney General's Committee on Administrative Procedure, *op. cit., supra* in note 2, p. 43.

[57] *Ibid.* It should be pointed out, however, that the Attorney General's Committee took a favorable view of the use of informal procedure in dealing with the large majority of administrative actions affecting the individual.

[58] 60 Stat. 237.

concrete controversies always plays to some extent into the hands of the larger and better entrenched interests.

In the extreme, the result may be an infiltration of the special interest into the very process by which the general interest is to be carried forward. When a government official, in the exercise of regulatory power, finds himself constantly face to face with the spokesmen of the same organized interests, he may eventually come to look to them as his business partners. Such a point of view—always a latent danger where administrative organization is linked to particular clienteles[59]—may lead to an emasculation of the general interest. It may transform the agency into an official advocate of the interests it is supposed to regulate.

Needless to say, this consequence would be unacceptable. In the service state, "if the administration is to do its work efficiently, it must take care that its members do not yield to private interests which desire to influence their decisions."[60] Yet the pressure upon administrative officials for achieving a *modus vivendi* with their regulatory clienteles is persistent, if inconspicuous. Formality of procedure, causing much of the administrative process to revolve around legal points, gives private interests wider recognition in the exercise of regulatory power. Formal procedure thus intensifies rather than relieves interest pressure on the official. More than anywhere else, it is in this area that the ethics of public office must be relied upon to exert a controlling influence. What we need most is not the elaboration of procedural arrangements in the administrative process, but the growth and acknowledgment of an administrative morality always ready to raise its voice in support of the needs of democratic society.

[59] See *supra* under v.

[60] Kirchheimer, *loc. cit.*, *supra* in note 11, p. 365.

GOVERNMENT CORPORATIONS; A FOCUS OF POLICY AND ADMINISTRATION, II*

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How to bring managerial independence and public accountability into a working accord, so that neither efficiency nor necessary controls will be neglected, is the fundamental problem arising out of the operation of government corporations. Having dealt with managerial independence in the first instalment of this article, we now are faced with the problem of explaining how such independence can be reconciled with the controls necessary to assure public accountability. Experience everywhere has shown that governments can carry on a business enterprise efficiently only when it possesses sufficient autonomy and flexibility to call forth managerial skills that are self-reliant and inventive as well as prudent. It has been argued that the corporate device, when faithfully followed, is superior to departmentalism in at least three major respects: it is potentially less subject to injurious political considerations; [74] it is more autonomous in organization and capable of a greater degree of unity in its management, both of which are essential to efficient operation; and it has more flexibility with regard to its financial operations and is designed to stand on its own financial feet, as a business-operated enterprise should. The competent manager of a government corporation must be free within his own sphere, but he must also be externally accountable in important respects as regards both policy and administration, and to both Congress and the President. To effect such an equilibrium is difficult, at best, but it is particularly difficult and uncertain when the political climate is hostile toward the social purposes for which government corporations are created.

* The first instalment of this article appeared in the October, 1949, issue of the REVIEW. MAN. ED.

[74] This is true, in theory, for several reasons: the corporation possesses a board of directors which shields it from party politics; its officials are set apart from the integrated departments and the political leaders who head them; officers are appointed for indefinite tenures, as a rule, rather than for fixed terms; the business functions of the corporation are not mingled with non-business and political functions, as they would be in a department; and business men recruited for positions in government corporations usually show less interest in partisan politics than those who make it a career. On the other hand, as shown in this article, the programs of most government corporations are "in politics" so far as their social acceptability and support are concerned, and hence pressure group politics are often a factor when party politics do not bulk so importantly. This point is well made in H. R. G. Greaves, *The Civil Service in the Changing State* (London, 1947), Chap. V.

IV

The Hoover Commission in 1949 apparently was less convinced than the Brownlow Commission in 1937 that integration of the corporation with one of the major departments of government is something that must be secured at all costs, even if the effect is to jeopardize the autonomy of the corporation in question. To what extent this difference, in the case of the Hoover Commission, is explained on grounds of administrative principle and to what extent it is due to the prominence given the alleged temporary character of the government corporation,[75] it is, of course, impossible to say.

In the report of the President's Committee on Administrative Management (Brownlow group), three of the four recommendations related to this question of the departmental integration of government corporations,[76] using such phrases as "special supervisory agencies" and "semi-autonomous status,"[77] which afforded a general idea of what was intended, but was not very specific about how the recommendation should be carried out in practice. This is an understandable difficulty, and it is not implied that the recommendation could have been any more explicit. At the time of the Hoover Commission report, there were only four major government corporations—the Reconstruction Finance

[75] This was referred to, it will be recalled, in the previous instalment. The report on *Lending Agencies* states that because of its commercial and *temporary* nature, government lending should be conducted only through an organization form which precludes confusion of the activity with the *continuing* political functions of government. This is an interesting observation, because the clear assumption is that once a function is imbedded into the fabric of a department, it is there to stay. Congress will not abolish it or severely restrict it, as, by inference, it is likely to do to the corporation. These assumptions, if true, become, it will be seen, policy matters of the highest importance.

[76] The fourth related to the separation of board and management functions.

[77] The report recommended: (1) "Business corporations" should be placed under the special supervisory agencies to be set up in appropriate departments of the government to give continuous and careful scrutiny to their affairs. These agencies should be provided with the special equipment and staff necessary to supervise competently the particular field in which the corporations operate. (2) Each "governmental corporation" should also be placed under a supervisory agency in the appropriate department. In addition, there should be continuing authority of the President to place such corporations under civil service, under other rules regarding personnel, and to apply such over-all governmental controls as may be found advisable in each case in the fields of budgeting, accounting, audit, and the issuance of obligations. (3) Where it is desirable to preserve the independence of the supervisory agency, it should be given semi-autonomous status in a department. The single responsible administrator at the head of the supervisory agency is preferable to the board form. The head of the supervisory agency should appoint the boards of directors of corporations in the case of boards which have government representation. If heads of supervisory agencies are to exercise an independent review of corporate activities, they "should not be directors of corporations they supervise." *Report with Special Studies* (Government Printing Office, 1937, p. 303).

Corporation, the Export-Import Bank, the Tennessee Valley Authority, and the Federal Deposit Insurance Corporation—that bore no connection to the older departments,[78] although some, like the Farm Credit Administration, had been the battleground of pressure groups and departmental officials over this issue for a number of years.

The Hoover Commission recommendation straddles this problem. "Most of these agencies," says the report, "are within executive departments, but some have independent status and their activities are not adequately coördinated with those of the executive branch."[79] And, again, "where these corporations are located in the departments or major Government agencies, the heads of such agencies, or representatives designated by them, should serve as *ex officio* chairmen of their advisory boards."[80] One of the task force reports, after remarking that "there seems to be a belief that Government corporations have tended to become too independent and have failed to coöperate properly with other agencies of the Government," finds the solution in this formula: "These disadvantages should largely disappear if administration is by qualified boards of directors concerned only with policy-making, properly prepared business-type reports and business-type audits are made, and it is required that revenues be available only for current operating costs, all expenditures for plant expansion and non-revenue-producing programs being made from appropriations therefor."[81] But to many of these proposals of both reorganization reports, the rejoinder may properly be made: if you are prepared to go as far as seems indicated in the direction of integrated controls, how much freedom and autonomy will be left, in practice, to the corporation, its board of directors, and its managers? Cannot accountability be secured by some less restrictive device?

During most of the period while government corporations have been in existence, Congress has apparently intended them to occupy a position similar to that of the independent regulatory commissions.[82] In the case of the Panama Railroad Company and the Inland Waterways Corporation, for example—as in that of the eight corporations created during the first World War—the boards and managements were far

[78] Hoover Commission, *Federal Business Enterprises* (Government Printing Office, 1949), p. 95.

[79] *Ibid.*, p. 8. [80] *Ibid.*, p. 10.

[81] *Revolving Funds and Business Enterprises of the Government* (Government Printing Office, 1949), p. 174.

[82] One of the earliest treatments of this subject is Harold Van Dorn, *Government-Owned Corporations* (New York, 1926). See also Paul Webbink, "Government-Owned Corporations," in *Encyclopedia of the Social Sciences* (New York, 1932), Vol. VII, and the summary of principles in Marshall E. Dimock, *Government-Operated Enterprises in the Panama Canal Zone* (Chicago, 1934).

more dependent than integrated with the rest of the executive branch. Their only connection with that branch was through the appointing power of the President or department head, and the nominal connection to a cabinet officer—such as the Secretary of War in the first two cases cited—as contrasted with integration with an executive department as a whole. The first pronounced tendency toward integration occurred in 1937 as a result of the report of the President's Committee on Administrative Management and the reorganization plans which were approved in consequence thereof.

Many reasons are advanced for tying all existing agencies into one or another of the major departments of the federal government, thus reducing the total number of administrative units. Some of these arguments, when applied to the non-corporate agencies of government, carry a good deal of weight; but others, on scrutiny, turn out to be doctrinaire and unimportant. If such be the case, it stands to reason that arguments in favor of integration must be carefully examined before their resulting administrative formulas are applied to government corporations—the reason being, of course, that the underlying legal and administrative theory of the corporation diverges so sharply from that of the non-corporate agency.

Those who would reduce the number of units to the smallest possible number of administrative bundles and place them all firmly in the hands of the Chief Executive argue that the resulting organization plan is more simple, more symmetrical, and more easily understood; that it makes possible the actual supervision of programs by the President where otherwise his span of control would be over-extended; and that the President's staff agencies—such as the Bureau of the Budget and the Civil Service Commission—are thereby enabled to exercise their supervision more effectively; that planning and control activities generally are facilitated; and that the over-all effect is greater efficiency, even if an actual economy in operation is not secured.[83]

As against these possible advantages, however, must be weighed the disadvantages of too much consolidation, integration, and centralization, with a resulting loss of operating efficiency. The dangers are that the President will be given more to do than he can possibly manage; the departments become so large that programs formerly emphasized are relatively neglected; the heads of departments acquire supervisory responsibilities too large for them; programs which seem to have some

[83] President's Committee on Administrative Management, *Report with Special Studies*, *op. cit.* The arguments in favor of departmental integration are well martialed in Leonard D. White's *Introduction to the Study of Public Administration* (New York, rev. ed., 1939), Chap. IX.

connection, but which in practice have little, are forced into a rigid mould; the central staff agencies of the President, remote from the scene, are allowed altogether too much authority over operations; and the initiative of bureau chiefs and executives all along the line is frustrated.[84] The end result is not efficiency and economy, but failure to accomplish the social purposes set forth in the legislation.

So far as government corporations are concerned, the principal argument in favor of presidential integration and the strongest argument against their administrative autonomy is the need to fit them into the over-all arrangements of the Chief Executive. How can the government plan its economic programs unless all such operations are subject to the same executive control, thus obviating the danger of contradictory or uncoöperative courses of action? Suppose, for example, that the policy of the President is to withhold financial support from business units threatened with bankruptcy, whereas the policy of Congress in establishing the RFC was to provide assistance of that kind? Under a highly integrated system, the President could force the officials of the RFC into line with his policy, irrespective of what the policies of a previous Congress may have been. Such instances could be multiplied: previous legislation favors agricultural subsidies, but the President might not; the TVA provides for corporate autonomy, but the President might prefer to turn the work over to old-line agencies; and the authority of the Export-Import Bank calls for large loans to war-stricken nations, but the White House might want to confine credits to nationals of the United States. Although these illustrations are entirely hypothetical, they are by no means remote. When such situations arise, should the President, through an integrated structure, be in a position to force compliance with his policy, or should Congress be relied upon to correct any conflicts and inconsistencies?

If we had a parliamentary form of government in which the legislative and executive branches were required to work together in order to remain in office, the answer would be fairly clear: the President should be able to force compliance. Since, however, we do not have that kind of government, but instead a system of checks and balances, the answer is far more complicated.

That consistent plans are required in this day and age and that consequently some way should be found whereby the programs of government corporations will fit into them, most people would agree. But before we conclude that administrative integration is the simple answer,

[84] Brookings Institution, *Investigation of Executive Agencies of the Government* (Government Printing Office, Washington, D. C., 1937); and Schuyler Wallace, *Federal Departmentalization* (New York, 1941), pp. 59–73.

let us consider a countervailing argument that points in the opposite direction: the need for giving corporations the greatest possible amount of autonomy. To secure the widest over-all efficiency in large operations, whether private business or governmental, there should be consistency of planning and decision-making at the top, accompanied by the maximum decentralization and administrative devolution possible, in order that there may be flexibility and initiative at the operating level and an avoidance of disastrous overload and stagnation at the top.[85]

What shall we conclude when we apply this principle to the operation of government corporations? The corporation is not primarily concerned with the establishment of objectives and the formulation of broad policies, because this is done for it by Congressional charters and Congressional legislative and financial authorizations. Therefore, the business-operating character of the corporation is the part of its nature which must be emphasized, and hence autonomy rather than integration should be favored.[86] World-wide experience with government corporations seems to confirm this conclusion.[87] Even in the USSR, where planning and integration are emphasized more than in most countries, there has been an increasing reliance on corporate autonomy and freedom of management to attain centrally determined objectives.[88]

The burden of proof is on those who advocate the complete integration of government corporations in the departmental framework. What is it they propose to integrate? Is it the actual *administration* of

[85] One of the best expositions of this principle is found in Peter Drucker, *The Concept of the Corporation* (New York, 1946), chapters on decentralization.

[86] This conclusion has been presented most convincingly by British writers. See, particularly, Sir Henry Bunbury, "Public Corporation," *Public Administration* (London), Vol. 22 (1944–45); Sir Geoffrey Clarke and others, "The Appropriate Type of Authority for the Operation of Publicly Owned Utility Services, and the Powers which They Should Have," *Public Administration* (London), series, Oct., 1926, through Jan., 1930; Herbert Morrison, *Socialization and Transport* (London, 1933); T. H. O'Brien, *British Experiments in Public Ownership and Control* (London, 1937); W. A. Robson [ed.], *Public Enterprise* (London, 1937); and Ernest Davies, *National Enterprise* (London, 1946).

[87] See, for example a vigorous book by Ernest Davies entitled *National Enterprise* (London, 1946), wherein he says: "There is little so demoralizing as deprivation of responsibility. Too close relation between the corporation and the Ministry is therefore to be avoided" (p. 92). And at another point: "With planning and policy the Minister's responsibility, the Boards of public corporations need to be functional and executive" (p. 158).

[88] "Soviet Government corporations have developed as independent juridical entities to manage property owned by the State," says John Hazard, the best English-speaking authority on this subject. "Each has a director with independent powers of control, subject only to supervision by superiors and to rigid disciplinary measures, if his corporation fails. . . ." "Soviet jurists have provided for the fostering of personal initiative . . . while still retaining state ownership of the means of production as a cardinal principle of the Soviet State." John Hazard, "Soviet Government Corporations," *Michigan Law Review*, Vol. 41 (Apr., 1943), p. 871.

the corporation—as with the ordinary bureau to the department? But it requires very little consideration to discover that such a claim as applied to the government corporation has no validity, the reason being that both in theory and in practice the supervisory function is adequately performed by the corporate board of directors, its paid management, and Congress.

A variation of this theme contends that integration is necessary in order to eliminate unnecessary duplication of programs. This argument, when applied to bureaus, sometimes possesses merit, but it falls flat when government corporations are the subject of consideration. They are specific programs of a commercial nature and hence not likely to be duplicated. If it should take place, the sound policy would be to eliminate the duplicating program instead of transferring the government corporation to one of the executive departments. The duplication of functions is all too often not cured by bringing the two units together; instead, they tend to be lost sight of and to remain intact while nestling within the same department.

Or is it held that the government corporation should be subordinated to the department because the corporation's *financial* functions require it? Such a claim is equally devoid of solid substance. Financial freedoms and business methods of accounting are of the essence of the corporation—to take them away would be to destroy the reason for corporate existence. Besides, now that the Government Corporation Control Act of 1945 is in operation and the Bureau of the Budget and the Corporation Audits Division of the General Accounting Office exercise so much authority over the budgeting and expending of funds, the public accountability of government corporations from the financial standpoint is at least as satisfactory as that of the major departments and establishments.

If administrative and financial arguments in favor of departmental integration are found wanting, what argument remains? Is it claimed that the *policy* of the government corporation should be in accord with that of the major departments and the balance of the executive establishment coming under the President's control? As already indicated, this objective is more often stressed, when integration is being advocated, than any of those considered so far. For example, V. O. Key states: "The theory of corporate autonomy may thus conflict with the necessity that public activities be in accord with the policies and wishes of those who carry political responsibility for the actions of the government."[89] But whose policies and wishes? If it is those of Congress, the

[89] V. O. Key, "Government Corporations," in F. M. Marx (ed.), *Elements of Public Administration* (New York, 1946), p. 256.

policy control is established through charter powers, legislation, appropriations, and surveillance. Moreover, Congress is assisted in this function, and relieved of some of its detailed responsibility, by the corporate board of directors. Are not these two sources of policy determination all that is required? Some say not. This is apparently the real point of disagreement between those who favor corporate autonomy and those who champion departmental integration.

Government corporations are business ventures with definite objectives and not policy-making bodies with a broad range of discretion like that, for example, of the political departments. The business of the Inland Waterways Corporation is barge transportation, the work of the Export-Import Bank is limited to foreign trade, the purpose of the Farm Credit Administration group is to facilitate agricultural finance, and so on. Now, to be sure, the business objectives of government corporations have not always been clearly defined, and wider areas of discretion have been accorded—under state incorporation and prior to the Government Corporation Control Act of 1945—than Congress would ever have sanctioned. But this difficulty has now been corrected by Congressional legislation. Corporate charters hereafter will be carefully drawn so that government corporations, it is assumed, will now be utilized only for the purpose for which they are justified, namely, to conduct a business enterprise which can be more efficiently administered in the corporate form than as a regular department or bureau. When the business purpose for which the corporation is created has been carefully stated by Congress, the policy objective will then be clear-cut and the only discretionary matters will be those of internal management which the board of directors and the management should be free to decide. Consequently, larger questions of policy not being involved, there appears no need nor justification for subordinating the corporation to one of the major departments of the government.

There is, however, a further aspect of this matter which requires attention. The objective of a government corporation may be, and frequently is, related to the accomplishment of a larger objective with which the Congress and the President, as agents of the people, are concerned. The operation of the Inland Waterways Corporation is an independent business undertaking, but obviously waterway transportation is a part of the entire transportation problem of the country; the financing of agricultural credit through the Farm Credit system is related to many other problems of agricultural policy and national economy; the sale of prison-made goods by Federal Prison Industries, Inc., involves the whole question of non-competition with established business concerns. Accordingly, organizational methods must be devised which will

articulate the corporation's objective with the larger purposes of related programs; and methods must be contrived which will make possible effective political responsibility by the party leadership in power. Having eliminated other aspects of the question which are sometimes thought to be the real problem, we are therefore brought face to face with what seems to us the crux of the matter.

V

As already shown, *subordinating* the program of a government corporation to the executive department with which its work is most closely associated, in the manner of the ordinary bureau, is no solution at all. If this step were thought necessary, then there is no further need for government corporations as such. At the opposite pole from this proposal is *complete separation*—that is, not connecting the corporation with any existing administrative agency. Since this would be an extreme solution, it probably leaves something to be desired, although it is more nearly correct than complete subordination. In between these outside limits, however, there are other measures which may afford the key to the matter.

Some of the possible alternatives are obviously impractical or inappropriate to the government-business relationship existing in the United States. One of these may be called the *fully-integrated* device. In a country where national economic planning is found on a broad scale—the USSR being the most completely developed example of this type—there is a hierarchy of organization consisting of executive decision, a planning board, major areas of economic coördination (in Russia, the "trusts"), in which are created individual corporations to administer individual programs. But obviously this system is indicated only where full-fledged economic planning is undertaken.

A conceivable variant of this theme would be the separate organization of all economic functions of the government as distinguished from those which are political. This plan has been advocated for Great Britain by Sidney and Beatrice Webb, G. D. H. Cole, and others. It might be called the *coördination of economic functions*, with possibly a separate director and staff responsible for the programs of all government corporations. But this scheme also, on the scale which its proponents envisage, is hardly applicable to the situation in the United States.

Still a third possibility would be *cabinet coördination*, through the appointment of an official of cabinet rank to deal with all questions growing out of the activities of government corporations. The fatal objection to this, however, is apparent: it would mean organizing all gov-

ernment corporations around a central core, irrespective of whether they dealt with transportation, communication, finance, construction, or what not, and this—for reasons which will be explained—would hardly be satisfactory for purposes of administration and the securing of over-all governmental objectives. So it also may be ruled out.

A more moderate and more feasible method would be the organizational *grouping of related corporations*, along the line of the holding company device. This course has already been employed in the United States, outstanding examples being the Farm Credit Administration group, the Federal Loan Agency, and the National Housing Agency. It has the virtue of bringing into working accord the programs which seek common, related ends, thus centering administrative responsibility instead of scattering it. However, this holding company type of organization is subject to considerable abuse, the principal objection being the obscuring of administrative and financial responsibilities. It was this danger, it might be added, which was found in non-governmental holding companies and led to the enactment of laws such as the Public Utility Holding Company Act of 1935.

It is appreciated, of course, that this obscuring of responsibilities is not inevitable nor ineradicable, and that it can probably be avoided. The provisions of the Government Corporation Control Act of 1945, for example, stipulate in effect that subsidiary corporations may not be created except with the express approval and action of Congress, and that their administrative and financial systems shall be approved by the Bureau of the Budget and the General Accounting Office.

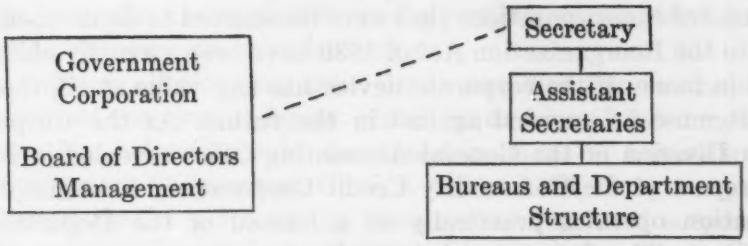
This grouping device may be found satisfactory for some government corporations, but what about the others? The best indicated solution for them is what may be called *cabinet liaison*, or more accurately, liaison to an official of cabinet rank. In other countries, such as Great Britain, this method of administrative coördination is utilized.[90] The cabinet official does not directly operate or supervise the work of the public corporation—this being left to the board of directors and its corporate management—but he is kept generally informed and thus is in a position to advise on questions of over-all coördination and to be held accountable by the legislature and the chief executive. Under this plan the corporation is not an integral part of the departmental organization, nor is it subject to the supervisory authority of its departmental officials; liaison is established, but not administrative subordination; and no

[90] Lincoln Gordon, *The Public Corporation in Great Britain* (London and New York, 1938); John Thurston, *Government Proprietary Corporations in English-Speaking Countries* (Cambridge, Mass., 1937); Marshall E. Dimock, *British Public Utilities and National Development* (London, 1933).

official of the department has anything to say about the day-to-day operation of the corporation's affairs. In a word, the relation is to the *head*, not to the *department*. Our failure to recognize and respect this important dividing line of authority is the principal objection, in the author's opinion, to the system of reorganization that was introduced, in some cases, pursuant to the Reorganization Act of 1939.

The cabinet liaison method here recommended is best shown in terms of a simple organization chart:

Recommended System of Cabinet Officer Liaison



The most significant feature of this simple chart is the broken line to the government corporation, conveying liaison relationship, as contrasted with the solid line within the department itself suggesting direct and immediate supervision. It is also intended to emphasize the fact that the relationship is one between the Secretary and the corporation, and not between the entire department and the corporation.

The functions of the cabinet official relative to the government corporation should be carefully limited. His only function should be to keep informed of its program objectives in order better to advise Congress and the cabinet on large policy questions arising in his area of public policy. He may appropriately confer with the corporation's board of directors and its management on matters of mutual interest, but in order to maintain the corporation's freedom from dictation and partisanship, the secretary should not be made a member of the board of the corporation.[91] Criticisms of the corporation's efficiency and achievements should be dealt with directly by the board and the management and not by a cabinet official. Under our system of checks and balances, this is the only way to make the board accountable for the success of the corporation and to retain the interest of competent board members.

This liaison arrangement is in many ways the most crucial in the

[91] The Hoover Commission recommendation is not necessarily inconsistent: "That where these corporations *are located in the departments or major Government agencies*, the heads of such agencies, or representatives designated by them, serve as *ex officio* chairmen of their advisory boards." *Federal Business Enterprises, op. cit.*, p. 10.

whole field of government corporations, where right relationships and the subtleties of management are more important for success than in any other area of governmental administration that might be mentioned. If the cabinet official were allowed to rule with a heavy hand, the corporation might as well be a bureau because its corporate character would be lost; but at the same time the cabinet official should be in a position to know what is taking place in the corporation in order that he may better fulfill his public duty. It is not an easy position to achieve and to keep in proper balance, but it is one that must be attempted or the inherent advantages of corporateness will be lost.

Several of the corporations that were transferred to departments pursuant to the Reorganization Act of 1939 have been virtually obliterated except in name. If the corporate device has any value at all, then such a result must be guarded against in the future. As the Corporation Audits Division of the General Accounting Office revealed in its 1945 audit report of the Commodity Credit Corporation, for example, this corporation operates practically as a bureau of the Department of Agriculture. The Secretary of Agriculture can override any action of the board. Affairs are so interrelated with departmental activities that there is overlapping and loss of identity.[92]

The above analysis has considered a broad range of alternatives—possible solutions ranging all the way from the complete subordination of the government corporation to a department to total unrelatedness and independence, with several interesting possibilities in between. On grounds of principle as well as those of expediency, two of these possible methods of organizational coördination seem best designed to meet the needs of the United States government. They are, first, the *independent grouping* of some corporations where their work is closely related and no obvious connection exists to an executive department of the government, and second, the establishment of a *liaison* relationship to the secretary of a department when the work of a corporation is so closely allied to that field that failure to coördinate its work with that of the department might handicap the government in its broad planning activities.

These conclusions may be specifically stated in the following terms: *In order that the government corporation may contribute to the solution of problems arising in its area of the economy, and in order that it may be held accountable from a policy as from an administrative standpoint, every corporation which forms a part of a larger program should be related thereto, either by grouping several corporations into a cluster or by a liaison rela-*

[92] House Doc. No. 148, 81st Cong., 1st Sess., 1949.

tionship to other major areas of administration. Illustrations will make the point more clear. If, for example, our agricultural economy needs government credit facilities, then special credit agencies for agriculture should be created (as they have been); but they should not be part of a central agency providing credit for all conceivable purposes, agriculture included. Why? Because only by tying in the credit aspect of a particular program with the area of the economy to be served can Congress, the executive, and the country possibly tell whether the remedy is effective or ineffective. Under the most favorable circumstances, evaluation is often a difficult task; but it is even more difficult to judge the economic merits of a pooling arrangement if widely diversified purposes are mixed together.

In conclusion, if Congress must err in one direction or the other—either toward too close a departmental tie or toward too much separateness—the balance should be tipped in favor of separateness. In the Government Corporation Control Act of 1945, Congress provided the internal checks which justify the greatest degree of corporate autonomy required by efficient operation. Under these circumstances, it is not necessary, and it certainly is a violation of corporate principle, to integrate government corporations with the older departments. If government corporations are to be deprived of their legal, organizational, managerial, financial, and personnel freedoms, they might better be abolished and their programs taken over by ordinary bureaus.

VI

Common reasons are found for the use of government corporations in various parts of the globe. Speaking of the British development, H. R. G. Greaves has pointed out that the most important single cause of "the flight from the ordinary department to the semi-independent public board" is generally the least stressed and the most imperfectly understood—the working of Treasury control.[93] This centralized and all-pervasive control takes several forms, the chief of which is civil service, but also includes finance, organization, incentives, and even atmosphere. Greaves quotes Herbert Morrison's reasons for preferring the public corporation for business purposes: such a new organization, he says, should be alive and adaptable, free from Treasury control in the matter of salary and wage scales. Good as the civil service undoubtedly is for certain programs, it is unsuited to public utility operations. An administrative department is different in organization, needs, and methods from something which is nearer to a commercial undertaking,

[93] *The Civil Service in the Changing State, op. cit.*, p. 122.

and the civil service is not well adapted to the lively ways of business, for these are less routine and more experimental.[94] Herbert Morrison concluded long before the Labor party came into power, therefore, that it would be unwise for the civil service and the departments to take on business functions which might better be entrusted to public corporations.[95]

Like the private corporation, the government corporation should be free to hire, fire, and promote its personnel according to the best business methods that can be devised. Unfortunately, in the United States, it has not always worked out that way. Over a period of time, and especially since 1938, most government corporations have been made subject to civil service provisions in one way or another. The sound rule, it is thought, was expressed in the report of the Commission on Public Service Personnel, written in 1935: "The Commission is inclined to believe that these utility undertakings [in which category government corporations were included] should be excluded from the normal civil service personnel system and required to establish their own career service systems. It is believed that the personnel problem can be better handled in such cases as a part of management than as a part of government."[96] And this is the same commission, it should be noted, which generally speaking advocated the extension of civil service systems to all levels of government. Typical, also, of the opinion which long predominated in Congress is this statement of Senator Wadsworth, when consideration was being given to setting up a government-operated fertilizer plant at Muscle Shoals: "You may apply civil service rules . . . if you please; but do not hope to pay dividends."[97]

Prior to 1938, the personnel freedom of government corporations had remained virtually intact, but for most government corporations this immunity began to be invaded in that year. By Executive Order No. 7916, the President, with some agencies excepted, brought all government positions into the competitive civil service, "including positions in corporations wholly owned or controlled by the United States." Those most directly affected were the Commodity Credit Corporation, the Electric Home and Farm Authority, the Export-Import Bank, and the Federal Deposit Insurance Corporation. Then two years later, by the terms of the Ramspeck Act of 1940, Congress authorized the President to bring all employees of government corporations under the classified civil service system with the single exception of the Tennessee

[94] *Ibid.*, p. 121.

[95] Herbert Morrison, *Socialization and Transport* (London, 1933).

[96] Report of the Commission of Inquiry on Public Service Personnel, *Better Government Personnel* (New York, 1935), p. 68.

[97] *Congressional Record*, 191 (1924).

Valley Authority. Pursuant thereto, by Executive Order No. 8743, dated April 23, 1941, the President placed the majority of all positions in government corporations (but not all) under the civil service.

It is highly significant that in this wave of enthusiasm which carried the remaining government corporations into the civil service, the TVA was excepted. The reason is that since its creation in 1933, the TVA, by the general knowledge and admission of management experts, has made the outstanding record in the field of personnel of all federal government agencies corporate or otherwise.[98] What was apparently overlooked is that other government corporations might possibly have approached this record of personnel excellence and risen above the civil service average if they had been accorded as much corporate consideration as the TVA.

In the legislation creating the TVA, Congress expressed its conviction that the project would be more successful if it were free from civil service rules and allowed to use its own methods of recruitment and personnel practice. Yet, wisely, Congress combined this freedom with the injunction: "In the appointment of officials and the selection of employees for said corporation, and in the promotion of any such employees or officials, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency . . . ."

The author of the most thorough management study of the TVA made concluded that its outstanding personnel record "has been in considerable measure attributable to its freedom from time-worn civil service procedures and regulation;[99] and a former chairman of the TVA called attention to a fact more generally applicable when he remarked that "acceptance of standardized civil service rules as to classification and seniority would thus deprive the corporation of one of the greatest attractions which it can offer to capable and ambitious employees."[100] But we must also agree with V. O. Key when he observes that "Freedom from the 'time-worn' procedures of the Civil Service Commission does not ensure by itself better-than-average personnel practices. It merely leaves the way open for innovation and managerial responsibility in personnel administration."[101]

[98] See C. Herman Pritchett's discussion of this question in *The Tennessee Valley Authority* (Chapel Hill, N. C., 1943), Chap. IX; also Herman Finer, *The TVA: Lessons for International Application* (Montreal, 1944), pp. 134–144.

[99] Pritchett, *The Tennessee Valley Authority, op. cit.*, p. 306.

[100] Lilienthal and Marquis, "The Conduct of Business Enterprises by the Federal Government," *Harvard Law Review*, Vol. 54 (Feb., 1941), p. 576.

[101] V. O. Key, "Government Corporations," in F. M. Marx [ed.], *Elements of Public Administration* (New York, 1946), p. 256.

Other countries have shown a more realistic approach toward the personnel problems of their government corporations than we have since 1938. In Great Britain, for example, the Conservative and Labour parties long ago agreed that government corporations are desirable and that they should be run by an Industrial Corps separate from and operated on different lines from the ordinary civil service system.[102] One of the most recent books on this subject includes the following comment: "To be efficient it [the public corporation] must attract suitable personnel, be enterprising and progressive, and not hamstrung by the restrictions of financial control or the inflexibility of the bureaucracy. It must be responsible to the State, and instill into all who work for it a sense of public service."[103] The British are apparently not so doctrinaire as to think that economic enterprises must be run by the civil service simply because consistency throughout the government seems to require it.

The Russians also have seemingly adopted a business-like approach to the personnel policies of their government corporations. John Hazard, an authority we have previously quoted, has this to say: "In the decree of organizations of trust under the Five Year Plan, it was provided that the direct administration of an industrial enterprise under the trust should be in the hands of a director, named and subject to dismissal by the administration of the trust. The director was given the power to employ and dismiss all the administrative personnel of the organization, and to assume full responsibility for the conduct of the affairs of the enterprise."[104] Another expert on Russian administration makes the same point in these words: "Each rung in the hierarchy apparently appoints the staff in the grade immediately below. A similar principle applies in regard to dismissal. . . . Within an enterprise the managing director appoints his deputy directors, his chief engineer, accountant, and other chiefs of departments, and they in turn engage their subordinate staff."[105]

No matter where one looks, among nations making wide use of the government corporation, the inescapable conclusion seems to be that business rather than civil service personnel methods are everywhere preferred. In the United States, we are thoroughly convinced that

[102] Marshall E. Dimock, *British Public Utilities and National Development* (London, 1933), pp. 321–332.

[103] Ernest Davies, *National Enterprise* (London, 1946), p. 18.

[104] John Hazard, "Soviet Government Corporations," *Michigan Law Review*, Vol. 41 (Apr., 1943), p. 859.

[105] Margaret Dewar, *Industrial Management in the U. S. S. R.* (Royal Institute of International Affairs, 1945), p. 53.

private business is efficient partly because it is free to hire and fire. Let us now be consistent in our thinking about the business corporations operated by the federal government.

It has been suggested that perhaps the United States Civil Service Commission should be given some kind of personnel audit control over the government corporations. Thurston has mentioned two possible alternatives: first, the Commission might designate one or more persons on its staff to be located at the headquarters of the government corporation, with authority to "disallow any appointment the corporation proposed to make if the person so proposed was unqualified to fill the duties of the position."[106] Alternatively, the Commission might not have anyone stationed at the offices of the corporations, but it might send in its agents annually to go over the personnel records and make an audit. These are ingenious suggestions, but neither seems desirable. The first would lead to insufferable interference with management; the second is impracticable because it would occur so long after the appointment had been made.

The solution of the merit problem, it is felt, is not to make the United States Civil Service Commission a policeman or a personnel auditor, but to eliminate "spoils" appointments through the ample resources inhering in the corporate device itself. There are three principal means: first, the merit stipulation placed in the charter, making the duty clear; second, the appointment of a strong-minded, independent board of directors chosen on the basis of accomplishment and without regard to bipartisan or any other kind of political consideration, whose duty it is to see that the best qualified employees are recommended and appointed; and third, the appointment of a first-class chief executive who is free of partisan influence himself and who will not permit such factors to operate in choosing the men to work with him.

In the future as in the past, however, the drift of events and of policy will almost certainly play as large a rôle in determining the character of government corporations as will any agreement or disagreement on administrative principle. Experience shows that if the program is important and widely supported, Congress and the Administration will look with favor on managerial, financial, and personnel freedoms for government corporations, but if support is lukewarm or lacking, then external control will be emphasized and corporate freedoms will be correspondingly deëmphasized. One of the principal reasons for the use of government corporations in the past has been, in an emergency situa-

[106] John Thurston, *Government Proprietary Corporations in the English-Speaking Countries* (Cambridge, Mass., 1937), p. 197.

tion, to get programs organized and under way as speedily as possible without the limitations of established procedures characteristic of old-line departments. If emergencies recur, therefore, the assumption is that the corporate mechanism will continue to be employed, if for that reason alone. Further, the more clear-cut the commercial nature of the venture, the more faithfully has the government corporation retained corporate characteristics, while the less commercial the duties, the more has it strayed from the authentic pattern. To facilitate government's rôle as stabilizer of the economy, all government corporations should be made to bear a definite relation to some one area of the economy and none should be allowed to serve as a catch-all, especially for subsidy purposes, extending its facilities to many areas of the economy.

If all save one of the corporation's characteristics were to be discarded, the important one to retain would be autonomy. To the extent that Congress is assured that its major policies and financial authorizations are being carried out in practice, it can afford to grant the corporate managements that degree of autonomy required for successful operation. The emphasis should be placed on clearly defined corporate powers and objectives, on what British writers call inner controls as contrasted with the external kind, thus releasing public corporations from Civil Service, Treasury, and General Accounting Office procedures that tend toward uniformity and the stifling of initiative and managerial acumen. The Government Corporation Control Act of 1945 takes care of this first requirement by providing for federal incorporation; it goes too far in so far as it makes corporations subject to the same budgetary, personnel, and financial controls under which the regular departments operate, and in so far as it allows these central staff officials to substitute their judgment on policy questions for the decisions of the corporate boards and officers. Centrally-imposed controls tend inexorably toward an undue rigidity, rather than toward a fine discernment of managerial requirements. Like the private corporation, the government corporation should be free to hire, fire, and promote its personnel according to the best business methods that can be devised, and hence it should be left free to establish its own personnel system under appropriate standards provided by Congress.

One of the advantages of the government corporation is that it encourages decentralization of federal administrative operations. This is because the corporation is autonomous and separate, instead of hierarchical and integrated. It is therefore an effective means of coping with a growing complexity of program and organization and an overload of work at the top. Its budgets, as long ago recommended by W. F.

Willoughby,[107] should be of the annexed business-type, meaning that they should be separate and distinct, not merged with the over-all budget of the government, attached to it but not an integral part of it. Highest efficiency is secured when there is consistency in top planning and decision, which is Congress' function, accompanied by maximum decentralization to various levels of management. This principle of management provides flexibility, encourages initiative at operating levels, and avoids stagnation and overload at the top.

Government corporations should be allowed to retain their reserve funds and their annual earnings, which is contrary to the present trend of policy. Financial autonomy inherently includes authority currently to use funds received from revenues and other sources, to establish methods for assuming financial obligations, and for making expenditures. They should be required to pay all costs for the conduct of their commercial-type operations, and at the same time equal care should be taken that costs are not incurred for the benefit of others, or, if incurred, that they are currently recovered. Otherwise, the corporation will have subsidized activities for which it is not responsible.

One important policy question remains.[108] Granting the force of many of the arguments regarding administrative principle, should not the desirable features of the corporate device be worked into the central framework of government so that the regular departments might operate with as much efficiency as the proponents of the government corporation claim for that device? This necessary objective clearly inspired both the Brownlow and Hoover surveys. Nevertheless, it is not the complete solution. Theoretically, if sufficient improvements could be made among the departments in the direction of greater autonomy and flexibility, there would be little or no justification for government corporations at all. However, progress to date in this and other countries has been so slow, and the underlying theory of management and control in many cases is so foreign to flexibility and freedom, that government

[107] Among American political scientists, Mr. Willoughby deserves the credit for first laying the foundation for the corporate device. See his article, "The National Government as a Holding Corporation," *Political Science Quarterly*, Vol. 32 (1917), p. 510.

[108] This is not to overlook the problem of transcendent importance, namely, whether government should, or should not, undertake a given "business" function as a broad question of policy related to the form of our common economic and political life. This article has attempted to reveal an awareness of that issue throughout, but, as stated at the outset, it is not the one that is directly broached at this time. The underlying assumption here is that if the majority wills to undertake a business function, the best interests of popular government are served by attempting to make the administration of that function as efficient as possible in order that loss of popular confidence in government as a whole may not be invited.

corporations should, if possible, point the way to needed improvements, and not be discarded because they are administratively competitive. In a democracy, as in other forms of government, the means should be adjusted to the purpose and all operations administered as efficiently as possible in order that programs democratically decided upon shall have the best assurance of success. Experimentation, not uniformity, is the spirit of democratic control. If, as seems likely, government's concern for the economy continues to grow, an important problem will be that of retaining the best features of private enterprise in a system that tends increasingly toward manifestations of collectivism.

THE POLITICAL PHILOSOPHY OF YOUNG CHARLES A. BEARD[1]

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In 1934, Harold J. Laski wrote of Charles A. Beard: "It is true that he has formulated no consistent or systematic philosophy of politics; none has been formulated in the America of our time. But it is clear that the day for such a formulation is rapidly approaching. When it comes, I believe it will be found that no one has made a more solid contribution than Charles Beard to the elements from which it will have to be fashioned."[2]

It is likely that most Americans of academic bent, whether they have actually read the book or not, are aware of the stir once created by *An Economic Interpretation of the Constitution of the United States.* Certainly they could hardly have avoided some part of that flood of articles, books, and reviews which for decades has poured from the pen of Beard. Whether or not his writings have contributed to the building of an American "philosophy of politics," it seems obvious that college youth in unknown number, scholars, and Americans in many walks of life must in some degree have been influenced by Beard in various subtle or indirect ways. The very bulk and range of his writings make it highly probable. For a check of the card catalog in a large university library, plus an examination of the Library of Congress bibliography and a few other sources, yields a total of about sixty first-edition volumes with Beard's name attached as author, co-author, or editor. And this excludes about forty revised editions, numerous reprints, and an unspecified number of books to which he contributed or for which he wrote introductions, not to mention sundry pamphlets, lectures, and essays. An estimate of the number of articles by Beard places their probable total somewhere between 250 and 300, while the number of book reviews he wrote runs into uncounted hundreds.

Moreover, it is no doubt possible for many well-read Americans to list some of Beard's distinctive characteristics, perhaps even to chart the course he traveled, intellectually, in his thirty-five years after 1913. Thus, among his distinctive characteristics was his economic interpretation of American history. For some seven or eight years after 1917, his writings revealed a considerable interest in municipal affairs. There was the grand view of history, so admirably exemplified in the sweeping

[1] This essay is a contemplated chapter of the author's *The Political Ideas of Charles A. Beard*, now in preparation.

[2] *The Nation*, Vol. 138, p. 479 (Apr. 25, 1934).

chapters of *The Rise of American Civilization*, written in collaboration with Mary Beard. Political advice to foreign governments, in Japan and Yugoslavia, had its place. There was literature of the depression, and of the New Deal. What Beard called continentalism, and some others called isolationism, characterized his later years. And continuing throughout a long and active life was a passion for academic freedom, with biting words and blistering attacks on its enemies, supposed or real.

Save for a few of the older scholars, however, not many, perhaps, have known the pre-1913 Beard. Nor do many recall that his published writings date from the very turn of the century. Yet, young Beard once spent three years in England, as a student at Oxford and lecturer before workers in Britain's industrial cities. He published his first book[3] in England, before returning to America to complete his graduate studies at Columbia University. In fact, the young historian's main interest before 1909 was European and English history, rather than American.

I

The influences which worked on young Charles A. Beard would seem to have conspired to help produce a tough mind of liberal outlook. Born in Indiana on November 17, 1874, Beard had sprung from a line of sturdy Scotch-Irish and English ancestors who as colonists had settled in North Carolina several generations before. "His great grandfather had been a Federalist; his grandfather was a Whig and rebel Quaker who ran a 'one-man church' with 600 volumes of comparative religion; his father was a 'copper-riveted, rock-ribbed, Mark Hanna, true-blue Republican—a building contractor who also ran a bank, read the classics, and raised his family on a farm near Spiceland in order to develop its 'back-bone'."[4] During his boyhood on the farm, Charles, on foot, attended the nearby Quaker Academy. Graduated at eighteen, he joined with his brother to run a country weekly for nearly four years. At twenty-one, he entered De Pauw University, a Methodist college in Greencastle.

Here he came under the spell of an ex-Civil War officer, Colonel James Riley Weaver, "a man of infinite curiosity, not trained as to what should be taught or how it should be taught. An excellent Republican, Weaver gave his students the Communist Manifesto to read. Whatever he touched blazed with excitement."[5] In the summer of 1896, young

[3] *The Industrial Revolution* (London, Sonnenschein, 1901).

[4] *Current Biography* (1941), p. 52. For other biographical facts in this section, I am indebted to Hubert Herring, "Charles A. Beard, Free Lance Among Historians," *Harper's Magazine*, Vol. 178, pp. 641–652 (May, 1939).

[5] *Ibid.*, p. 642.

Beard went to Chicago, where the air crackled with the spirit of change and unrest. Hull House, Bryan's cross-of-gold speech at the Democratic convention, fresh memories of the Haymarket affair and of Eugene Debs—such stimuli went to work on his developing mind. Back at De Pauw, he "debated on the college team, upheld the right of labor to organize, and pleaded for a federal income tax."[6] Beard left De Pauw in 1898, having acquired the Ph.B. degree, a Phi Beta Kappa key, and by this time, it seems safe to infer, at least an Indiana Populist's view of the world.

Later in 1898, young Beard went to England to attend Oxford for a year. There he concentrated on English and European history. But the young man hardly forgot what he had learned back home in restless middle America, both from his books and from outside of them, for it appears that many of his hours were given to eager discussions with classmates on political and economic problems. From this talk among students, the idea for a college took shape—a college which would train future labor leaders. So in 1899 Ruskin College was born. Beard returned to America for a few months, long enough to get a taste of American history at Cornell University and to marry a former classmate, Mary Ritter. But before 1900 had run its course, he and his bride were back in England to spend two more years. Little hint of the lively influences working on him appears in the dry lines of a *vita* which tells us: "From 1900 to 1902, he lectured for the Educational Committees of Coöperative Societies in England and Wales on history and economics."[7] But these were the days when he was speaking before the workmen and coöperative groups of such centers as Birmingham, Manchester, London, and Liverpool. England, too, was in ferment. The beginnings of the movement which was one day to turn into the mighty Labor party were attracting young Beard's attention. It was in this atmosphere that he wrote and published his first book,[8] an unpretentious little volume among whose passages there were none the less often hints of the earnestness and spirit of their author in his twenties. Thus exposed to a stirring world of smoke and steel, and to the inspiration of labor leaders like Keir Hardie, Ben Tillett, and James Sexton, young Beard, having already learned much of life, was prepared to take up again his research and books.

In 1902, he returned to America to enter the School of Political Science at Columbia University, where such scholars as Burgess, Goodnow,

[6] *Ibid.*

[7] *Office of Justice of the Peace in England* (New York, Columbia University Press, c. 1904).

[8] Note 3 above.

Clark, and Osgood were to guide his study further along the path of English and European history. But his inquisitive mind refused to keep to any single track. In these days when President Theodore Roosevelt was busting trusts and fingering the big stick, young Beard was reading intensively in the related fields of politics and economics. While the Square Dealers in Washington sought variously to promote business or protect labor, the student at Columbia was handing in his master's essay on "The Present Status of Civil Service Reform in the United States." At a time when the fires of Populist discontent—lit when Beard had been in his 'teens—still smoldered and refused to die out quietly, the twenty-nine-year-old historian was completing his dissertation on "The Office of Justice of the Peace in England; Its Origin and Development."

Taking his Ph.D degree in 1904, he continued at Columbia, first as instructor and later as professor of politics. Almost immediately, his textbooks and articles began appearing. At first, it is true, the reformist political and economic views of the new doctor of philosophy were often discreetly concealed beneath a cloak of scholarly propriety. But gradually he came into his own. By 1909, when Taft stepped into the presidency to temper that high office with a lawyer's calm after Teddy Roosevelt's bustle and bluster, Beard had begun writing on American, rather than European, history. And as America watched herself grow into a great industrial nation, watched her corporate wealth gather into ever more powerful concentrations, the young professor at Columbia continued writing his books and lecturing to overflowing classrooms. In view of his earlier experiences and background, there should be little doubt as to where he stood on some of the burning public questions of that day, on regulation of industry, direct election of senators, a federal income tax, judicial strangulation of the early hesitant but hopeful labor laws.

II

A superficial glance at Beard's early crop of books and articles might give the impression that they could hardly have held in bud many, or certainly all, of his later ideas. There was, for example, the first little book, published in England in 1901. On its face it appeared to be nothing so much as a compilation in simplified language of what others had said of the origin and development of the technological changes in Britain during the preceding centuries, even if its closing chapter did hint at the need for radical reforms. The doctoral dissertation apparently came up with no startling findings. A first textbook, which was but a collection of readings on English history, was interspersed with only brief com-

ments by their collector. A two-volume history of Europe, written in collaboration with James Harvey Robinson, despite the aim of its authors to put new emphasis on recent events, seemed challenging only pedagogically. There was the original number of what was to become the multi-editioned *American Government and Politics*—certainly not an exciting treatise. And of about a score of pre-1913 magazine articles, the majority consisted of the mere recording of current events. The general impression of Beard's early writings, then, might be that they had nothing to reveal of the political philosophy of their author. But the impression would be false.

Chronologically, the abbreviated titles of Beard's pre-1913 books would run: 1901—*Industrial Revolution;* 1904—*Office of Justice of the Peace in England;* 1906—*Introduction to the English Historians;* 1907—*Development of Modern Europe* (vol. I); 1908—*Development of Modern Europe* (vol. II) and *Readings in European History* (vol. I); 1909—*Readings in European History* (vol. II) and *Readings in American Government;* 1910—*American Government and Politics;* 1911—*Digest of Short Ballot Charters;* 1912—*The Supreme Court and the Constitution, Documents on the Initiative and Referendum,* and *American City Government.*

A closer look—especially into the 69-page introduction to his *Documents on the State-Wide Initiative, Referendum, and Recall,* and into his midget-sized *Supreme Court and the Constitution*—reveals something of the approach and hard-hitting language of the later Beard. A reading of one or two of his early articles, such as "The Ballot's Burden" (*Political Science Quarterly,* Vol. 24, pp. 589–614, Dec., 1909), gives a similar impression. But for a more complete picture of what might be considered the philosophic concepts of young Charles A. Beard, it is necessary to dig deeper. With an amount of sifting and sorting, some of the elements of his philosophy emerge.

"Man is not made for the state, if we eschew German political science," wrote Beard, "but the state for man."[9] What was his man like, and in what kind of state did he, or ought he, live?

Man, the young Beard implied, was a being of dignity and intrinsic worth, a creature worthy of far better treatment than he got, for example, amid the wretchedness and horrors of early factory life in England. With a solid sympathy toward the humanitarianism of men like Owen, Carlyle, Maurice, Kingsley, and Ruskin, Beard also seemed to agree with Voltaire in sensing a spark of divine goodness in human hearts.

Beard's man, too, possessed innate abilities, and especially a capacity

[9] *American Government and Politics,* p. 485.

for further development. After necessities of life had been attended to, next most important was to enable a man "to enrich and expand his heart and head, so that he may fulfill his utmost possibilities in some work serviceable to himself and society."[10] It was in thus fulfilling his own nature that man would, if educationally nurtured, also fit most harmoniously into society. This was not to say that society was a natural harmony, for it was sometimes true that even selfishness required co-operation in order that it might "reap its full measure."[11] Man's abilities included that of self-government. Corruption in government and the evils of politics were not to be attributed to democratic institutions or to universal suffrage. Rather, where accountability of rulers was assured, efficient government was a probable by-product of popular supremacy. In fact, the history of the nineteenth century has been "largely a record justifying the extension of popular power."[12]

And man's capacities included that of progress: it was possible to improve this man and his environment. To increase the possibilities, the world needed all the reason and enlightenment that could be mobilized, for it was only in this way that nature's energy could be made to replace man's in the struggle for existence, thus leaving man freer to develop and enlarge his own life and personality. But the outlook seemed bright: "The central theme of history is that development . . . from primitive life . . . to modern times, in which man is beginning to assert his right and power to determine his own religion and politics, and corporately to control every form of his material environment."[13]

In the real world, there were and had been, of course, violations aplenty of this ideal of betterment and human dignity. A young man infused with a spirit of radicalism and reform could easily find much that was bad. The evils accompanying early unrestrained capitalism, for example, had been worse than black slavery. Luxuries, so long as many people lacked necessities, were economically and morally wrong. If "chaos and anarchy" were beginning to give way to improved arrangements under which the mass of the people rather than a favored few could benefit, it was still a matter of complaint that economic science failed to suggest "what ought to be."[14] Therefore it was to the redounding credit of the wonderful nineteenth century that it could record the revolt against *laissez-faire*. Also praiseworthy was such a development as the coöperative movement.

[10] *Industrial Revolution*, pp. 91–92.

[11] *American City Government*, p. 373.

[12] *Documents on the State-Wide Initiative, Referendum, and Recall*, p. 13; see also *Political Science Quarterly*, Vol. 22, p. 143; *Digest of Short Ballot Charters*, pp. 10101, 10201.

[13] *Industrial Revolution*, p. 86. [14] *Ibid.*, p. 89.

The political state in which Beard's man lived had not arisen from some mystical covenant or some idyllic state of nature. Indeed, it was foolish to treat ancient conditions of culture as a "system" at all. Modern political terms just did not fit them. With regard to feudal institutions, for example, it would be nearer to reality simply to confine oneself to describing concrete practices.[15] Political institutions seem to have risen through a process of historical evolution, yet not in any particular "direction." Modern government, then, was not the end product of some divine process or a thing carried on for its own sake, but, when properly understood, "simply an association of men engaged in doing certain things which we separate from the ordinary occupations of life and call 'political'."

At any rate, centralized power and authority had evolved out of feudalism. It was proper that this had been the case, for order and good government necessitated a considerable measure of central control. With civilization becoming increasingly complex, increasingly centralized government was also required, if anarchy was not to result from wide dispersion of power. Those who associated centralization "with original sin" should compare conditions under a modern government with some of the corruption and abuses existing under former more decentralized régimes. There was, then, the necessity for political authority, for a kind of ultimate power which on occasion had to be wielded in summary and drastic fashion.[16]

This leads to age-old problems of political speculation: freedom versus authority, the question of man's rights. Fundamental rights of person and property were not, in Beard's view, natural rights. Such a doctrine was obsolete and indefensible, as unacceptable as the conclusion that they "should be subject to the will of an incoherent and transient majority."[17] It seemed that one had best take a pragmatic view of rights, to realize that concepts like freedom and rights were a comparatively recent development in man's evolution. People in a primitive state of culture, Teutonic or otherwise, could hardly have had a special genius for political liberty, a genius which they were to bring from their forests to transplant in virgin soil. Nevertheless, today many men had come to feel that there were some things the state should not do. Individuals should retain a considerable measure of initiative and freedom in such things as religion, associating with others, and expression of

[15] *Political Science Quarterly*, Vol. 21, p. 533; for following, see also *Documents*, *op. cit.*, pp. 22–23; *American Government and Politics*, p. 99.

[16] See *Political Science Quarterly*, Vol. 23, p. 146; Vol. 24, p. 102.

[17] *Documents*, p. 68; see also *Introduction to the English Historians*, p. 2; *American Government and Politics*, pp. 732–733; *Political Science Quarterly*, Vol. 22, pp. 722–723.

opinion. These rights ought to be protected against such dangers as military-minded police officials or administrators wielding great discretionary powers. Economic rights, too, were exceedingly important, for it was a patent fact that liberty had economic as well as legal elements. Great power and individual freedom were apparently not incompatible. If the English state, to take an example, interfered less with individuals than did some others, it was not because the English state was thought to lack the power.

There were a great many positive functions which government could and should undertake. Public power, it seemed, might appropriately come into play when private power interfered too flagrantly with the individual, with his rights and opportunities. Government had not only the responsibility of maintaining order but also that of promoting welfare.[18] If early *laissez-faire* ideas had helped sweep away useless restrictions, there had also been new repressions in the chaos of unrestrained individualism. Despite claims that all individuals were equal and had equal opportunities to rise, a working class of necessity remained. A vast extension of social legislation was therefore necessary. Government should concern itself with the wages, security, housing, and conditions of work of the laboring class; with the division of wealth between capital and labor; with the health of cities. It should use its taxing power to raise general living standards. If government should regulate where chaotic conditions prevailed, it should also become an enterpriser where the conditions demanded. Municipal utilities, the fields of housing and health, great water power development projects—these were examples of what community or government enterprise could undertake. A basic function of government was, in short, to wage war on poverty in its many ramifications.

But government, young Beard felt, was more than mere business, for there were always "large policies to be determined affecting liberty and property."[19] Nor was government but an abstract set of rules, written down in a constitution or not. In reality, it was a group of persons authorized by the rest of the community to do certain things. And a constitution, it seemed, was only what the people inside and outside of the government accepted; essentially it was a balance of interests.

Yet, the structure of government could be important. To be democratic, it had to provide for equal representation, a wide suffrage, re-

[18] See *Development of Modern Europe*, II, pp. 375–376; *Industrial Revolution*, p. 56; *American Government and Politics*, pp. 103, 414–415, 741–742; *American City Government*, pp. 218–241.

[19] *American Government and Politics*, p. 484; see also *Readings in American Government and Politics*, p. 92; *Political Science Quarterly*, Vol. 26, p. 145.

sponsibility of rulers to ruled, a considerable degree of popular control.[20] Precise relations among the parts, of course, could not be nicely determined in advance, but had to be worked out in practice. Complete separation of powers, for example, was not only impossible, but highly undesirable. Indispensable for efficient administration was the executive's power of removal; integration in the executive branch tended toward greater efficiency, increased accountability. Such devices as the initiative, referendum, proportional representation, and to a limited extent the recall, were in some cases useful. Certainly women should have the suffrage. And though it was true that, within a given level of government, centralization and responsibility went together, it was also conducive to justice and efficiency that many of the most intimate and immediate concerns of the people should be matters of local government. To prevent wasting great amounts of political energy in overcoming the friction of governmental machinery, there was urgent need for a shorter ballot. In a word, there was an endless amount of improving that could and should be done.

There was likewise need for understanding the realities, as opposed to the fictions, of legal and political processes. Among the wastes of the existing system could be listed lawyers more interested in fees than in "simplifying law or making it accessible to laymen."[21] Equal justice, it appeared, was a lady who sometimes lost her balance in the presence of wealth. Law in the final analysis was the "embodiment of concrete interests" which arose with changing forms of economic and social life. Despite the legal or moral terms, such as precedent, natural right, or constitutional law, with which these concrete interests might be camouflaged, asserting them was really but a means of wresting privileges or prerogative from predominant class or king. Constitutional law was interwoven with politics; the Supreme Court, for example, was more concerned with economic and social policy than with law in a narrow sense. Legislative law, too, was the result of social pressures related to concrete problems. To be effective, of course, law needed the moral support of the community to which it was applied. In a democracy, about all that could be asked of it was that it "be reasonably acceptable to that vague thing which we call public opinion." It appeared, then, that law was a tool concerned with concrete social situations, and that

[20] For these and related matters, see *Readings in American Government*, pp. 75, 177; *American Government and Politics*, pp. 11, 193, 205, 239, 469–487, 492–508; *Readings in Modern European History*, II, p. 171; *American City Government*, pp. 52–56; *Documents*, pp. 3, 14, 52–55, 68–69; *Digest*, pp. 3000–3; *Political Science Quarterly*, Vol. 25, p. 529.

[21] *Industrial Revolution*, p. 104; on law, see also *Political Science Quarterly*, Vol. 21, pp. 534–535, Vol. 24, p. 95; *American Government and Politics*, p. 611; *Documents*, pp. 33–34.

ideas were not the "real forces" involved in legal processes.

If law often was not what it seemed, neither was some of the other formal machinery of politics. There were, for example, such informal and extra-legal realities as parties and pressure groups. Neither in official nor in private life did men always observe formal rules. There were all sorts of informal agreements, understandings, and conferences —unknown to the law, but nevertheless indispensable for carrying on government. Indeed, it was the definition of a statesman that he led in the "formation, direction, and utilization of social pressures in their relation to governing activities."[22] Since the group in power could determine vital matters affecting social welfare and private interests, it was inevitable that political parties should develop. In the United States, for example, the policy of the first administration had "called forth a sharp antagonism based on economic interests," and its foreign policy had only added to the irritation. Men influenced their government not only at the polls but also through innumerable private groups, some acting in the public interest and others decidedly not. Whatever the formal arrangements, it seemed that in politics at least, for good or ill, it was an "energetic minority" which got things done.

It thus appeared that a tough-minded view could be taken of the theory and practice of politics, with reference to the man and the state projected by young Beard. If democracy in theory carried out the will of the people by means of law which the citizens approved, in practice it was also true that democratic devices had their limitations. In so-called popular government, there were "fruitless contests over the possession of its mechanism"; there were often waste, inefficiency, and lack of responsibility. Yet, wisely and efficiently operated, representative government was the one form which came "closely into touch with the real interests, prejudices, and customs of the people." In brief, it was the best form so far devised.[23] Despite the defects of this modern-style democracy, Beard could make a strong defense of it:

"While no one can be blind to the evils which have been associated with democracy in the United States and in the Old World, no serious student of history, when he compares the long train of abuses, brutalities, and disorders connected with the rule of kings, priests, and nobles, can doubt for an instant that as between democracy and the outworn systems of the past there can be no choice. Every branch of law that has been recast under the influence of popular will has been touched with enlightenment and humanity. Compare the

[22] *Columbia University Quarterly*, Vol. 12, p. 272. On parties and pressure groups, see also *American Government and Politics*, pp. 32, 99–100, 105–106, 543; *American City Government*, p. 75; *Documents*, pp. 32–33.

[23] See *American Government and Politics*, pp. 469, 479–480, 527.

brutal criminal codes of old Europe with the still imperfect but relatively enlightened codes of our own time. Compare the treatment of prisoners, women and children, the education of the youth, and the public institutions devoted to general welfare, with those existing before the age of democracy. Mr. Bryce's remark that evidences of philanthropy and humanitarianism are mingled in our state politics with folly and jobbery 'like threads of gold and silver woven across a warp of dirty sacking' is true, and yet when one looks for evidences of philanthropy and humanitarianism in the folly and jobbery that characterized aristocratic and monarchical institutions in the old régime, one does not even have the satisfaction of getting the gleam of gold and silver across the dirty sacking. As Desmoulins declared concerning the excesses of the French Revolution, 'The blood shed in the cause of liberty was as nothing to that spilt by kings and prelates for maintaining their dominance and satisfying their ambitions.' With all its faults, and they need not be glossed over, democracy is justifying itself, and every student of history who devotes himself to the investigation of institutions and social conditions will find encouragement in the record of mankind under democratic government, such as it is."[24]

Of necessity, young Beard's state also had relations with other states. The man who, some thirty years later, could strongly urge a policy of continentalism for America, in his early days pointed out plainly the unity and interdependence of the world. In great measure, this unity had come about, of course, because profit and interest had no patriotic feelings.[25] In fact, the international politics of Europe for three centuries could be understood only in terms of the race for markets and territorial dominion. "The real issues" in the Napoleonic wars between France and England, to give an example, were related to colonial and internal economic affairs. In various ways, the world had, in truth, "become a great economic unity." And if commerce among nations brought disputes, it also led to international understanding. It was true that there were other factors besides the economic in the international picture. As long ago as Queen Elizabeth's time, the "political and ecclesiastical events and movements on the Continent" had vitally affected domestic English politics. Religious sentiments and philosophic conceptions had supplemented imperialistic drives. If in lesser degree, ideas and ideals, as well as goods and services, were tending to knit the world together. And America was definitely an integral part of that world: "It is apparent that the 'splendid isolation' of the United States, as contemplated by many early political theorists, has never been possible in practice. Moreover, no political doctrines with regard to our independence from the rest of the world are strong enough to overcome those material and

[24] *Documents*, pp. 14–15.

[25] See *Industrial Revolution*, pp. 51, 88; *Introduction to the English Historians*, pp. 307, 520, 623; *Political Science Quarterly*, Vol. 24, p. 165.

moral forces which are linking our destinies to those of the world at large."[26]

In a shrinking world of expanding states, there were bound to be explosions. That is, unless some positive steps could be taken to avoid them. The young historian who saw the growing unity of his world also hated its wars. Possibly the technical improvements in the engines of death, by making war more horrible, might have "contributed something to the movement toward peace." Yet armament races appeared to be dangerous games: "A new high-powered gun and a particularly dangerous projectile are invented; and straightway the makers of armor plate exert their wits in discovering some material that will resist the new engine of destruction. When the satisfactory armor is invented, the makers of guns and projectiles labor unceasingly until they have found a still more terrible instrument. And so the seesaw goes on."[27] Avoiding war took more than "abstract notions of justice and righteousness." Apparently many factors were involved in specific situations, such as moderation on the part of leaders, a will to peace, and persistent cultivation of friendly relations. For localizing the trouble and maintaining peace during a 1908 Balkan crisis,[28] Beard thought that part of the credit should go to the ententes existing between great powers. What if one of these great powers itself had embarked on a clear path of aggression? It seems likely that young Beard would have thought it impossible, in an interdependent world, to confine the resulting conflagration to a single locality or even to one continent.

III

Young Charles A. Beard had not, of course, put out his political philosophy in one trim package, neatly tied and labeled. In fact, he showed a kind of disdain for theory as such, and seemed to feel that it was somehow unreal and mythical.[29] For example, in discussing some of the great issues which had agitated American politics in the past, he stated that "men have differed in their views, sometimes on account of their party affiliations, sometimes because of the interests they represent, and not often, it may be surmized, because of any theoretical expositions of the Constitution." He thought we could learn more from the "dry records" of our institutional heritage than from the "realms of political philosophy." To few men, he thought, was it given "to write the moral

[26] *American Government*, p. 333. [27] *Documents*, p. 4.

[28] *European Sobriety in the Presence of the Balkan Crisis* (New York, 1908).

[29] For hints of this, see *Readings in American Government*, pp. 14–15; *American Government and Politics*, p. 75; *Documents*, pp. 23–25; *Columbia University Quarterly*, Vol. 12, p. 269.

philosophy for the political passion of a great age, or to clothe a powerful social interest in the form of an inexorable and compelling logic." In other words, theory was a handy instrument equally useful for fighting your enemies or salving your conscience. Yet Beard could not help but operate on the basis of implicitly held values; he could not avoid assumptions.

Beard implied that his ideas were more Madisonian than Marxian. Whether they could be ascribed to any one source more than to others, it is difficult to say. If Madison finds no place in his earliest writings, it could be for the simple reason that Beard was then writing European and not American history. But it is likely that the young student and scholar of European history had read more Marx than Madison, and had done it earlier. If he owed more to Marx than he cared later to admit, he had made it clear from the start that he did not accept Marxist dogma: "The charge of inefficiency, weakness, and crudity made against the present order need not be based upon sentiment about rich and poor or class jealousy, but upon mathematical calculations."[30] But he did feel that Marx, counteracting those who imagined "that history can be written from diplomatic notes and parliamentary speeches," had helped open men's eyes to more basic forces in history. If Beard could be moved by some of the Marxist spirit while rejecting the dogma, as likely as not the reasons lay buried in the unknown recesses of an inquisitive mind and in the influences of a dynamic world—a blunt-speaking Colonel Weaver, perhaps, a liberal-thinking grandfather, or a Hull House in Chicago. When the young historian did become more fully aware of Madison, it seems anything but strange that he should have found *Federalist* No. 10 a "profound paper."

At any rate, it is plain that his economic interpretation of American history constituted no sudden break in his developing thought. From the earliest years, when his orientation had been primarily toward Europe, his writings revealed a steady economic emphasis. Barely past the turn of the century, he had lashed out at conservative critics who called his *Industrial Revolution* materialistic. In that first offering,[31] he had seen history as a process of ceaseless change in which "both the germs of growth and expansion, decay and contraction" were involved. In view of the great wastes which he saw in the competitive system, and the needless warfare among capitalists, he thought it clear to unprej-

[30] *Industrial Revolution*, p. 104.

[31] *Ibid.*, pp. 18–19, 41, 104; for later views, see *Introduction to the English Historians*, pp. 185, 506; *Political Science Quarterly*, Vol. 21, pp. 111–112; *American Government and Politics*, pp. 1, 34, 36; *The Supreme Court and the Constitution* (New York, 1912), pp. 80–81, 95–97.

udiced minds that a reorganization of industry was both necessary and desirable.

After Beard had taken his doctorate, he noted that economic activities had occupied a great part of the time and thought of people in all ages. Further, economic forces were at the bottom of "the great political, reform, imperial, and literary movements" of modern history. In Beard's eyes, it was clear that the "fundamental force in history" was economic.

When Beard turned from European history to American, it was not unnatural that he should see it through the same eyes. American government had not originated "in any abstract theories about liberty and equality." The Revolution, he found, had rather been "an expansion of the energy of the ruling agricultural and commercial classes, that burst asunder the bonds with which the competing interests in England sought to restrain their growing enterprises." It was only natural that the actual revolt should have been led by the boldest and most radical thinkers, even if these owned little property. When later that "truly remarkable assembly of men" met in Philadelphia to draft the Constitution, many citizens had been failing to receive the interest due them on their public securities.

Beard was soon painting the picture in bolder strokes. The situation under the Articles of Confederation, he found, had been "a war between business and populism." The "spirit of the Constitution," in his writings, continued taking on a more decided economic cast. In short, the associate professor of politics was ready to sit down to write *An Economic Interpretation of the Constitution of the United States.*

AMERICAN GOVERNMENT AND POLITICS

HOW CONGRESS FUNCTIONS UNDER ITS REORGANIZATION ACT

ELBERT D. THOMAS
Senior Senator from Utah

There is no subject on which all human beings agree; but in the political field in the United States an almost universal tendency exists to blame Congress for everything undesirable in the life of the nation. That is not so about the President; for always there is a large group who think of the current President as "that man" and another to whom he is a hero. As for the Supreme Court, whether it be made up of the "Nine Old Men" or the "Nine Young Men," a certain veneration is attached to its activities which makes all-inclusive attack seem a little sacrilegious.

When Congress is discussed, party affiliations and liberal or conservative views are surmounted in the general condemnation. Oddly enough, this national whipping-boy happens to be the nearest thing to the voice of the American people in our country. Under the Constitution and by the almost untrammeled votes of our citizens, the men and women who sit under the dome of the Capitol have been assigned the function of interpreting the desires of those citizens and of making the policies which supposedly carry them to fruition.

My words must not be taken to indicate disagreement with or resentment of the popular attitude toward Congress. First, any Congress that fails to carry out the desires of the American people deserves all of the criticism it may receive. Second, procedures which result in red-tape, delays, inability to meet deadlines or crises, uninformed judgments, unfair representation, certainly need be to altered.

From the first days of the Republic, a series of developments—not continuous and often spasmodic—have occurred to make Congress a more nearly perfect instrument for the carrying out of its functions. No one word can be used to label all of these efforts. In general, these have been of three types: (1) efforts from the outside to make Congress a more fully representative and democratic body; (2) efforts from within at reform in procedures, of the kinds represented by regulations regarding clôture in the Senate, the filibuster, the power of the Speaker and of the Rules Committee in the House, and other Congressional customs which at times seem to interfere with the Congress' accomplishment of its primary purposes; and (3) what is best called reorganization of Congress, comprising measures to alter committees, acquire more efficient staffs, streamline procedures, and affecting many other things in a fundamental way.

The first type of efforts has been marked by such steps as the extension of voting rights to larger and larger numbers of our citizens (in the single instance of the Nineteenth Amendment to the Constitution, the total of voters was

doubled at a stroke); the institution of direct voting for Senators; the alteration of measures regarding interim appointments and between-term elections; and the elimination of "Lame Duck" Congresses. Involved in some of these efforts have been the greatest domestic struggles of our nation's history, such as the epochal conflict of 1861–65.

The second type of efforts has been less spectacular from a long-range point of view, but not in the immediate periods of their impact on the people and on Congress. The efforts to eliminate or reduce filibustering in the Senate have led to highly emotional conflicts.

It is only the third type of effort—that intended to reorganize Congress—which has received relatively little attention and publicity, though it has had perhaps fundamental importance. Indeed, nowadays when reorganization is mentioned, it is almost always taken to refer to the current reorganization of the executive branch, which has no connection with the reorganization of Congress.

My purpose here is to tell something about this third type of effort to make Congress a more nearly perfect instrument, whose most important step was the Legislative Reorganization Act of 1946.

The reorganization of Congress did not come too soon to meet the complexity of our domestic scene and the urgency and multiplicity of our international problems. That there will be further changes in streamlining our legislative branch is inevitable, but those changes will not be as hard to accomplish, now that the first hurdles have been surmounted in the difficult task of changing habits growing out of one hundred and fifty years of our national experience. Like the beginnings of all change for improvements, once they are aceepted by the public, individual men cannot afford to be against them even though striking at their personal advantage and prestige. Having accomplished this, there is now a sincere effort on the part of all members of Congress to coöperate with the intent and purpose of the 1946 act.

The idea that there could be reorganization in our legislative branch of government actually did not have its beginnings in Congress. Some eight years ago, the American Political Science Association appointed a committee within that organization to study the problem. I was appointed by the Association to its committee and later became a member of the Joint Committee for the Reorganization of Congress, set up after resolutions were presented to the Congress by the late Senator Francis Maloney of Connecticut and Congressman A. S. Mike Monroney of Oklahoma. Dr. George B. Galloway was made chairman of the American Political Science Association committee, and subsequently became expert adviser to the Congressional Joint Reorganization Committee. The resulting measure is known as the Legislative Reorganization Act, but sometimes is called the LaFollette-Monroney Act after its introducers in the two houses of Congress. After the death of Senator Maloney, Senator LaFollette was made chairman of the Joint Committee and Congressman Monroney vice-chairman. Members of the Committee included: Senators Robert M. LaFollette (Prog.) of Wisconsin; Elbert D. Thomas (D) of Utah; Claude Pepper

(D) of Florida; Richard B. Russell (D) of Georgia; Wallace H. White, Jr. (R) of Maine; C. Wayland Brooks (R) of Illinois, Congressmen A. S. Mike Monroney (D) of Oklahoma; E. E. Cox (D) of Georgia; Thomas J. Lane (D) of Massachusetts; Earl C. Michener (R) of Michigan; Everett M. Dirksen (R) of Illinois; and Charles A. Plumley (R) of Vermont. It is interesting to note that of these twelve men, only eight are still in Congress, which illustrates that long-lasting contributions are often made to our national life even though the men who participate depart from the immediate picture.

The bill was completely a committee bill and all details were worked out in committee. It is interesting to note that great doubt was expressed by committee members as to its ultimate passage, though through a parliamentary shortcut this was accomplished, to the surprise of many.

When the House passed the measure, it made several changes in the Senate version. Most of these, as for example the cutting out of administrative assistants for House members, were changes which affected only the House. In that, the Senate could justifiably accept the House amendments. Those opposed to the bill felt that they surely could keep it bottled in conference and defeat it. Knowing this, as soon as the bill came back from the House, I rushed to Senator LaFollette and urged him to get the floor and move that the Senate concur with the House amendments. This was done, and by that narrow parliamentary chance the Reorganization Bill became law.

The gains achieved through the Reorganization Act have been: (a) improved committee structure and operation; (b) closer coöperation with and supervision of the Executive Department; (c) more efficient staffing and reduction in work load, with increase of work accomplished; and (d) miscellaneous achievements.

Improved Committee Structure and Operation. Over the one hundred and seventy-two years of the operation of Congress, during which the population increased from about three million to nearly one hundred fifty million and Congress' membership increased heavily, though by no means in that proportion, committees to consider and report on bills grew into a complex structure with many types of overlapping. Particularly in the Senate, because its membership is relatively small, each member usually belonged to a great assortment of committees and his life was a scramble to attend all of the meetings and to try to keep up with the various matters under consideration. The Joint Committee on Reorganization, as well as the original committee of the American Political Science Association, saw that patchwork did not help, and that a thorough overhauling of the entire committee structure was needed. The results speak for themselves.

Streamlining of committee work has been accomplished by integrating related areas of policy-making. Senate standing committees have been reduced from thirty-three to fifteen, House committees from forty-eight to nineteen. Through provisions of the act, committee procedure has been made regular as to meeting days, keeping of records, reporting approved measures; and the presence of a majority of committeemen is now a condition of committee action. When I became chairman of the Education and Labor Committee, I was surprised to

learn that no permanent committee records or minutes of meetings had been kept. This, of course, is now changed. The Senate Military Affairs Committee, on the other hand, while I was chairman, was commended for having the most complete and up-to-the-minute calendar of its activities in the Congress. Committee offices, staff personnel, and records of the committee are now kept separate and distinct from those of the chairman.

A great many more open hearings were held by more congressional committees during the last session, and have so far been held during the present session, than was ever the case before. Until the passage of the Reorganization Act, closed hearings were often held, with the public denied the privilege of hearing testimony which it was entitled to hear.

The standing committees have now come into their own. In 1947, twenty-six special investigations were authorized by the Senate, but twenty-four were conducted by standing committees, only two by select committees (Small Business and National Defense). In the House, out of twenty-seven special investigations authorized, twenty-three were conducted by standing committees, four by select committees (Foreign Aid, Newsprint, Small Business, and Commodity Exchange).

Probably the greatest good evidenced by this committee streamlining can best be illustrated through the experience of the Senate Foreign Relations Committee. Before the Reorganization Act, I served on five major committees. Now I am assigned to only two. After November 15, 1947, the Foreign Relations Committee met almost daily, both morning and afternoon, and sometimes on Saturday to hear testimony and reports, and to rewrite the European Recovery bills. In the present Congress, similar meetings have been held to enact the renewal of ERP or ECA, and to work out the legislative approach to the Atlantic Pact, the Wheat Treaty, and Reciprocal Trade Agreements. What is particularly to be pointed out is that there has been almost full attendance of committee members at all of these meetings, which never could have happened under the old arrangement. In the writing of history, I am sure that the second session of the Eightieth Congress, as well as the first session of the present Congress, will be remembered by these pieces of legislation if for nothing else. We could not have written bills as good as these, nor have given sufficient time to study and thought on these tremendous undertakings of the United States, had Congress operated as it did before its reorganization.

Closer Coöperation with and Supervision of the Executive Department. Not all of the popular criticism of Congress is justified. In my opinion, the efforts of numerous Congresses in our history to act in accord with the President's promises to the people in winning elections do not or have not justified the phrase "rubber stamp" Congresses. The fact that the President is given by the Constitution certain legislative powers connected with approving or vetoing legislation, and is directed to make legislative recommendations to the Congress, indicates that coöperation between the Executive Department and Congress is essential to the American republican form of government. History has shown on several occasions that when a Congress is predominantly made

up of members of the party opposed to the President, neither the executive nor the legislative branch makes headway, and that the interests of the people usually suffer more than at any other time. It must be remembered, however, that the executive and legislative branches are distinct, and under our system must be kept distinct; and that Congress is specifically given powers to supervise the conduct of the executive branch, and, in the final analysis, to make the national and international policies which must be followed by the President and his assistants.

In this area, a separate act of the Seventy-ninth Congress from the Reorganization Act followed the same general effort to reorganize. To strengthen party responsibility, Senate party policy committees (both majority and minority) were authorized. The House of Representatives did not see fit to approve this part of the joint committee's recommendations. Therefore, at present, there are no policy committees in the House. Senate policy committees have no direct supervision of legislation, reporting or voting, nor do they bind individuals or committees to any course of action; but, through these committees, party policies or positions can be clearly stated and alternative policies developed. Thus, through a consideration of national problems as a whole, greater emphasis can be placed on the nation's welfare as against special or sectional interests, and legislation which otherwise might be considered of only secondary importance is given more general leadership.

Another feature of the policy committee plan is that, by combining with the President and his cabinet, a joint legislative Executive Council could be formed, and in some instances the minority party policy committee could be included. Of course, the degree of successful planning by the Joint Council would depend greatly on personalities involved. But under this scheme fourteen members of Congress would be taken into the Council with the President and his cabinet, and cabinet members would have an opportunity, for the first time in history, to participate directly in forming a unified legislative program. Through this procedure, clashes between legislative and executive branches could be avoided. To my knowledge, President Truman has not yet taken advantage of this facility. Had he done so, there would have been no need for various clashes between him and several members of Congress which have occurred.

The best illustration of what can be accomplished along this line is the story of liaison of the Congress and the State Department which took place during the war and the emergency period just prior to it. In the summer of 1939, when it appeared to many that war in Europe was certain, the President asked for a change in our mandatory Neutrality Act. This the Foreign Relations Committee denied. The reason given by the majority of the committee was that war would not come. When the new Congress organized in January, 1941, this action of the Foreign Relations Committee was pointed out. Lend-lease was in the offing, and it was suggested that the Administration could not take a chance with that vital issue. As a member of the Committee on Committees of the Democratic Steering Committee, I suggested that no new Senator

should be put on the Foreign Relations Committee, that Senators representing strong committees should be there, so that if the President wished to use the Foreign Relations Committee as a council of state, he would have such an organization. George Washington assumed that the Senate as a whole, when it consisted of merely twenty-six members, would act as such a council. The Foreign Relations Committee in 1941 consisted of twenty-three members.

It was thought by some that Senators of long standing would not give up their seniority on other committees to serve in a lower position on the Foreign Relations Committee; but both Senator Glass and Senator Byrnes accepted the proposition. Senator Glass told me later how grateful he was for the opportunity it gave him to serve his country. The minority party (Republican at that time) also accepted the theory, and Senator Austin gave up his ascendant position on the Judiciary Committee and accepted a lower place on the Foreign Relations Committee.

With this reorganization of the Foreign Relations Committee, the President had a council of state if he wished to use it; for the committee now consisted of both majority and minority leaders and the chairmen of the following committees: Foreign Relations, Banking and Currency, Military Affairs, Education and Labor, Inter-oceanic Canals, Appropriations, Audit and Control, Pensions, and Public Lands, and in the course of time the majority party whip. Even after the reorganization of the Foreign Relations Committee, lend-lease was reported out of committee by only a one-vote majority.

No sooner were we in war than I suggested that plans for peace should run along simultaneously with the development of the war. In rapid succession, Mr. Hull, Secretary of State, appointed a committee of experts to study peace problems. A small group of Senators and Representatives were invited to meet with Mr. Hull and Mr. Welles and these experts. Senator Connally, chairman of the Foreign Relations Committee, appointed a subcommittee of eight Senators to consider any proposition for peace which might be referred to the committee. This committee of eight met regularly. At the time of its first meeting, seven of the eight were opposed to doing anything about planning for the peace while we were at war. At the time of the reporting out of the Connally Resolution, seven of the eight favored that resolution. This changed attitude, I am sure, came primarily because those of us serving on this committee were daily struggling with this great problem and became convinced that a constructive start was necessary. Thus, through the Connally Resolution, Congress spoke in favor of world organization to prevent war. The Dumbarton Oaks Conference was called. The Hot Springs Conference on Food and Agriculture was called. The International Labor Organization came to America in 1941, and again in 1944 for the great session when it adopted the Declaration of Philadelphia. The San Francisco Conference was called and the United Nations Charter was worked out, providing for various branches of international activity under the Charter. The Senate ratified the Charter. The Senate ratified the constitution of the United Nations Food and Agriculture Organization and the United Nations Educational, Scientific, and Cultural Organization. These

steps were all taken while we were still at war. And before the world was legally at peace, the Senate acted upon the compulsory jurisdictional provision of the International Court of Justice. In the formation of all of these international organizations, the voice of the American people was heard through their elected representatives. Without constructive leadership in the Senate, these things could not have been accomplished. I emphasize the Senate's part in this program because it has all too soon been forgotten, but most of all to show how much can be accomplished through the proper functioning of the policy committees provided for in our new organizational set-up of Congress.

Here is another aspect of the Senate's activity in international organization. As early as 1935, in a conference made up of the Under Secretary of State, Mr. Sumner Welles, and the president of the Foreign Policy Association, Dr. Raymond Leslie Buell, and myself, I advocated a closer relationship between the Senate and the State Department and the Executive. I even suggested the use of Senators as negotiators of treaties and conventions, because, inasmuch as the Senate has the last word on treaties, it should have a few first words too. The first reaction to this idea was cold, but eventually Senator White was sent to Cairo; I was appointed to the Philadelphia Conference; Senators Connally and Vandenberg were appointed to the San Francisco Conference. Senators Murray, Chavez, Austin, Wagner, Tobey, and Brewster were appointed to other conferences, and much good has been accomplished through our attendance. This practice provides for a better understanding on the part of the Senate of treaties that are to be ratified and helps in their ratification. The practice also has contributed greatly to what has become an accepted idea of both major political parties—that foreign relations should be carried on as bipartisan or nonpartisan activities.

Has the power of the President been made less effective because of his partnership in action with Congress? Has the power of Congress been affected adversely because of its close connection with the Executive in our foreign policy? Not even the old-fashioned stickler for the absolute separation of powers in our constitutional theory can point out any evil result coming from this close relationship. International relations are not relations which are aloof and far off. They are relations which affect the homes, the firesides, and the people quite as much as any wholly domestic question. The bringing of the people closer to these problems through the action of the people's representatives in no sense does violence to our constitutional scheme or its theory.

I recite this bit of history to show that the proper functioning of these policy committees cannot be over-emphasized. They are important because they provide facilities for creating a unified legislative program, over-all planning, and party responsibility. Much of our Congressional weakness in the past has been due to the lack of responsibility for a comprehensive program.

In the matter of supervision of the executive branch, the Reorganization Act also took important steps, though as yet these have not all been put into practice. We can confidently look forward to their adoption as time passes. The first motion adopted by the reorganization committee was one which I intro-

duced and which provided that the committees on Military Affairs and Naval Affairs be combined in each House into one committee on Armed Forces. I pressed for this action because of the opposition to my bill providing for the unification of the armed forces, realizing that if a single committee in each House handled both the War Department and the Navy Department, unification would have to follow quickly. Through this action, I lost the chairmanship of the Military Affairs Committee, due to the seniority of three Senators who served on the Naval Affairs Committee. I was not the only Senator who lost a chairmanship because of the reorganization who fought for that reorganization, but I am sure none of us has regrets for having contributed to what has been accomplished.

Under the Constitution, Congress is the overseer of our federal administration, and only through it do the people have control of their government. The Constitution specifically charges Congress with responsibility for providing by law for the organizational set-up indicating the status of governmental officers excepting those specifically referred to in the Constitution. While the President has the power of appointment, unless delegated by law to subordinate officers, the Senate retains the power of advice and consent. This was the approach taken in writing the Legislative Reorganization Act, and legislative oversight of the administration of the laws by way of the standing committees of Congress was authorized. During the last session, at least eight standing committees in the Senate and seven in the House were actively engaged in this performance. Most prominent were the Appropriations and Expenditure Committees of both houses and the Interstate and Foreign Commerce Committee of the House. However, to date many of the standing committees of the Congress have been too heavily burdened with their legislative programs and duties in connection therewith to keep very close watch upon the executive agencies coming under their jurisdiction.

The theory of the separation of powers under our Constitution implies, of course, a balance; but with the growth of our government, the mere bulk of the executive branch outweighs the other two branches. With each new office set up in the executive branch comes a new governmental function which produces experts in the administration of that function. As time went on, Congress more and more became dependent upon the expert advice given it by the various executive departments, and the evil of the Executive not only recommending legislation but actually writing it was developed. Bills written in the executive establishment were handed "down" to Congress and Presidential programs became "must" legislation. The Budget Bureau, set up primarily as a guide to Congress, soon became an agency of the Executive. The General Accounting Office, which was designed to protect Congress, soon "wrote" law through its regulations.

Since the legislative branch never executes its own law, as in parliamentary governments, Congress' policy-forming function was being tempered on all sides; for even the courts abused the function of declaring laws unconstitutional to such an extent that many persons in the United States colloquially remarked

that "the law has passed the Congress, but it has not yet been passed by the Supreme Court." In a sense, therefore, the Reorganization Act was a defensive measure. It was a reassertion on the part of Congress that it not only should write the laws, but should guide the policy behind them.

More Efficient Staffing and Reduction in Work Load, with Increase of Work Accomplished. As I have indicated above, our efforts were limited to the function of the reorganization of Congress and not the reformation of Congress. We were barred by the resolution setting up the committee from interfering in any way with the rules of procedure in either House or with the rules governing the procedure of both houses. In the Senate, we still are governed by the basic law of Jefferson's *Manual;* and it works splendidly. Most Senate business is done by unanimous consent; and, when one considers the amount of business the Senate does, the unanimous consent technique is superb. The House has limitation of debate and a very strong Rules Committee. Through these two media, the House gets most of its business done. While our aim was fundamentally reorganization and not reformation, many reforms are fast being recognized as a result of that reorganization.

Textbook writers fail to stress the fact that the only real continuity we have in the government of the United States is found in the Senate. The only institution which came into existence at the time our constitution was set up, and which has an unbroken record, is the Senate. This, of course, is due to the fact that only one-third of the Senate changes at a time. Of the founding fathers who seriously analyzed our constitution, Jefferson pointed out this continuing Senate and condemned it as evil. Fearing a self-continuing body, Jefferson thought that the Senate might become self-perpetuating. Probably it has; but, from the standpoint of the country's welfare, the Senate's continuity has not been bad. It has contributed greatly to our nation's stability. When one sees the rapid change in practically every department and in the House of Representatives, one learns to appreciate that the government's memory continues only with the Senate. The courts remain more or less a unit by following decisions. But Congress' authority to reorganize the courts and to enact new law has kept them from enjoying the long-lived continuity which the Senate enjoys, and this despite life tenure of judges.

The purpose of providing additional staff aids to the Congress is almost obvious. It is humanly impossible for each member of Congress to become an expert on all phases of public policy on which he must act. Unlike any administrator, whose field is limited, he is called upon to cope with our entire economy, our entire governmental activity, and particular subjects which come up daily. To be able to do this, expert and competent advice must be available to him at all times. In addition to the experts working in committees and the Legislative Council of each house and the Legislative Reference Service of the Library of Congress, each Senator is provided with an administrative assistant to carry the routine load of his office and to meet the individual problems of his constituents, all of which will be reflected in a more efficient working of the Congress.

The ban placed upon the introduction of certain private bills, that is, pension bills, tort claim bills, bridge bills, and bills for the correction of military or naval records, has greatly reduced the work-load. This will be greater in the future, because under the Federal Tort Claims Act (Title IV of the Legislative Reorganization Act), private claims for which the cause of action dated from prior to January 1, 1945, may be handled in the same manner as before. The reduction of work-load is shown also in the number of committee assignments. Senate committee assignments decreased from 1,030 during the Seventy-ninth Congress to 516 during the first session of the Eightieth Congress; and since 1946 the average number of committee assignments of all kinds for each Senator has decreased from 10.7 to 5.4.

Statistics also will prove that the legislative output of Congress has increased greatly. Here it may seem on the surface a little odd that the Eightieth Congress, which President Truman dubbed a "do-nothing Congress," actually was responsible for more legislation than the Seventy-ninth. President Truman's expressive reference was not to international legislation nor to the total number of legislative enactments, but to the failure of Congress to enact his recommended program. It was a valid and effective means of describing the failure of the Congress to enact much-needed major legislative measures that were wanted by the American people.

Miscellaneous Achievements. Miscellaneous gains made through the reorganization are noteworthy. Time was allowed in both houses for members to study the committee hearings and reports on half of the twenty-two general appropriation bills passed by the first session of the Eightieth Congress before these bills were considered on the floor. Through the provision for adjournment at the end of July, Senators and Representatives have five months each year for closer contacts with constituents and for instructive travel at home and abroad. The *Congressional Record* now includes a *Daily Digest* and, at intervals, a résumé of Congressional activities. As of July 21, 1949, 1,588 lobbyists have registered under the provisions of the Act.

The salary increase and retirement pay now provided for members will soon show a great change in the complexion of the Congress and the elimination of an evil which has been one of the greatest weaknesses in the past. The good done cannot be estimated. Many defeated or retired members have come back to Washington, got themselves on one of the federal payrolls, and in this way made themselves eligible for retirement benefits. That these men have been benefited does not draw criticism from any thoughtful person. But, strange to relate, some of these men have been the most severe critics of social security, and some even opposed the Reorganization Act.

No doubt many Americans are indifferent to the reorganization of Congress, but its political significance is of the greatest importance. When I say "political," I employ that word in its scientific sense. Our form of government faces the greatest crises of its experience, now that political upheavals the world over are creating systems of government incompatible with the notion of individual freedom, individual rights, and individual liberties. The more efficiently the voice of the American people can be heard in the halls of Congress, and the

nearer the problems confronting the members of Congress can be brought to the people, the greater will be the chances of maintaining the democratic way of life in an uncertain world. The stability the American government has attained, the continuing development of our federal system, the worth of the American Constitution, all give hope that popular sovereignty can contribute to the betterment of men, women, and children not only in America but throughout the world.

THE INFLUENCE OF METROPOLITAN PARTY PLURALITIES IN PRESIDENTIAL ELECTIONS SINCE 1920: A STUDY OF TWELVE KEY CITIES

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I. HYPOTHESES—SECTIONAL AND URBAN

In recent years, party theorists have been much concerned over the validity of the sectional interpretation of American politics. One contention is that sectionalism, if still valid, is being modified, or supplemented, by an urban-rural party alignment which bodes major change for the future. This intuition is of comparatively recent vintage, certainly not a product of the study of political trends before the New Deal, although one writer has attempted to construe a specific earlier election in terms of the tension between urban and rural areas.[1] In the 1920's, however, most analysts decried the urban-rural thesis. Professor Holcombe, writing in 1924, asserted that "whatever may be the cause of the existing partisan alignment in national politics, it is not primarily a conflict between rural and urban interests."[2] And Stuart Rice concluded in 1928, after specialized studies of voting trends, that "antithetical" facts belie any interpretation of urban-rural election divisions which suggested a clearly defined cleavage.[3]

The literature on this subject which has appeared since 1932, however, has persistently suggested a new urban-rural modification of the pattern of presidential politics. In 1933, Professor Holcombe commented on the "radically different . . . urban politics of the future."[4] Seven years later, he expanded this reflection into a major proposition: "My thesis is, that for a large part of our national existence that class [which holds the balance of power] was the rural middle class and that increasingly in our time it tends to become the urban middle class. . . . At present the system of presidential elections tends more and more to shift the balance of power to the urban middle class."[5]

Other writers since 1932 have questioned the appropriateness of the sectional

[1] William Diamond, "Urban and Rural Voting in 1896," *American Historical Review*, Vol. 46 (1941), pp. 281–305.

[2] Arthur N. Holcombe, *The Political Parties of Today* (1924), p. 116.

[3] *Quantitative Methods in Politics*, pp. 166–175.

[4] *The New Party Politics*, p. 128.

[5] *The Middle Classes in American Politics* (1940), p. 219.

thesis, most frequently by reference to the existence of diversified interests, particularly urban-rural interests, within the traditional sections.[6] This skepticism for sectionalism as a theory applicable today has been accentuated of late, even the pollsters discovering new facts about urban voting behavior which may be apropos.[7]

These observations which reflect seriously on the validity of the sectional interpretation should be analyzed in detail. In essence, proponents of the sectionalism theory have emphasized three main corollaries: (1) that distinct political regions have existed whose election trends reveal uniform and persistent habituation to one of the two major parties; (2) that victory in presidential elections has been achieved by combining an appeal to "politically sure" sections with an appeal to "politically doubtful" sections; and (3) that, in the final analysis, the balance of power has been held by certain sections which fluctuate between the two parties. In turn, it is now contended that the developing urban-rural dichotomy in our politics clashes with these corollaries—refutes the presumption of sectional uniformity, alters the nature of the combination, and places the balance of power in an entirely new light. Exploration, and if possible validation, of these critical reflections should be undertaken.

II. THE METHOD OF ANALYSIS

The reputed concentration of electoral power in urban areas is a proposition which can be statistically examined. The problem posed is one of urban-non-urban electoral influence and dominance over time. This study seeks in exploratory fashion to test the urban-rural hypothesis, and thus to present evidence as to the validity of the sectional interpretation.

Twelve major cities have been selected, all with a population of over 500,000.[8] Their election divisions have been examined for the eight presidential elections from 1920 to 1948. Selection of a series of national elections over 28 years should provide an ample basis for measuring their electoral strength.[9] These 12

[6] See V. O. Key, *Politics, Parties, and Pressure Groups* (1948), pp. 169–173, and Edgar E. Robinson, *The Presidential Vote, 1896–1932* (1934), p. 31.

[7] Elmo Roper's summary of his study of new voting trends in 1948 was published in the *New York Herald Tribune*, June 19, 1949, p. 1. His data indicate, he concludes, "significant long-term implications," even, perhaps, "a one-party set-up in America."

[8] The 1940 census lists 14 cities with a population over 500,000. Of these, Buffalo is excluded here, as is also Washington, D. C., for which, of course, no such study as this is possible. The terms "urban" and "metropolitan" are used interchangeably here, although according to sociological criteria the latter is perhaps preferable. It is not intended to imply that the voting population outside of these 12 cities is non-urban or even non-metropolitan. Rather, the objective is to contrast the rôle of the metropolitan city with that of the rest of the state.

[9] Projection of the analysis into the pre-1920 era is difficult, due to the unavailability or unreliability of urban election statistics. Official city-wide presidential election returns are in some states more poorly reported than are returns for counties and other elections. The sources used here for the state and national vote were: state manuals; E. E. Robinson, *op. cit.*; and the statement of the vote prepared after each election by the clerk of the House of Representatives. The 1948 figures were secured from statements of the vote

cities are situated in 10 of the most urban states, in different sections of the country: New York, Boston, Philadelphia, and Pittsburgh in the East; Baltimore and St. Louis in the Border; Chicago, Detroit, Cleveland, and Milwaukee in the Mid-West; and San Francisco and Los Angeles in the Far West. Though a limited survey, opportunity is provided here for measuring quantitatively the extent of metropolitan influence and dominance in presidential elections won by both the Republican and Democratic parties, and in contrasting political regions of the nation.

Methodologically, the inquiry is a simple one. First, since we are dealing with the electoral verdict for either of the two major parties, the third party vote is of no consequence. Urban influence is construed in terms of the urban contribution to the major parties. Second, the computation which is primarily significant in exploring the hypothesis is the percentage of the state party plurality in presidential elections which was contributed by urban areas. The problem is one of determining where the greatest bulk of the state plurality is produced. This being so, what is relevant here is the percentage which the urban plurality is of the state plurality.[10] And third, our presidential election system being what it is, the total significance of the urban pluralities must be interpreted in terms of the Electoral College votes which a major party secures in a state as a result of urban pluralities.[11] In the final analysis, whether urban areas are consistently influential in swinging Electoral College votes is the crucial consideration here.

The ratio of the "big city" electorate to the state and national electorate is

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supplied by state officials, or from the Associated Press tabulations of national and state votes, as reported in the *New York Times*, Dec. 11, 1948, and the *Congressional Record*, Jan. 18, 1949, Appendix, A 252. The following sources were used for computing the urban statistics used in this study: state manuals; Robinson, *op. cit.;* reports of city and county boards or departments of elections or canvassers (Detroit, Cleveland, Chicago, Milwaukee, St. Louis, Pittsburgh, and Boston); correspondence with city and state officials; city yearbooks; and newspaper tabulations. The *New York Times*, Dec. 11, 1948, reports returns for 13 cities for 1944 and 1948 which, however, are not entirely correct. The *Chicago Daily News Almanac* (1937) was helpful in unearthing the returns in earlier elections for Chicago. Los Angeles county figures were used throughout, since strictly urban returns were not available, except for recent elections. Inasmuch as Los Angeles constitutes over 50 per cent of the county population, and since 85 per cent of the county population is urban, it was felt that for our purposes it was defensible to use county data. The New York state and city Democratic figures for 1936–1948 include the votes of the American Labor and Liberal parties when these parties supported the Democratic candidates.

[10] Thus, if the city's plurality is over 50 per cent of the state plurality, it can be considered a basic factor in swinging the state to either of the two major parties; if it is close to or over 100 per cent of the state plurality, it is of far greater influence—no doubt the dominant factor in that election. Table 2 should be interpreted from this standpoint. It presents the percentage which the city plurality was of the state plurality.

[11] This problem can be simply posed for presidential elections in the following terms: Does the metropolitan party plurality control the state's electoral decision and, therefore, its Electoral College votes (a) when metropolitan and non-metropolitan voters support different parties, and (b) when these voters support the same party?

high, but not in itself alarming. If this ratio were disproportionate, such as 60:40 or higher, metropolitan control might be anticipated. In actuality, as Table 1 reveals, no such lopsided ratio obtained for these cities. In three cases, the city electorate constituted over 50 per cent of the state's electorate: Baltimore in the twenties, but not from 1932 on; San Francisco and Los Angeles, from 1932 on; New York City, in the forties, but not in earlier elections. In the last five presidential elections, Chicago's electorate included over 40 per cent of the Illinois voters; but this was actually rare for these cities. Generally there has been some increase since 1920 in the city proportion of the state electorate—for all except St. Louis, Baltimore, Boston, and San Francisco. But, contrary to much speculation, this increase has not been so marked as to

TABLE 1

Metropolitan Proportion of State Actual Electorate, Selected Elections, 1920–1948
(in percentages)

	1920	*1932*	*1940*	*1948*
New York City	44.1	46.8	51.2	50.6
Chicago	37.5	40.9	44.9	46.5
Philadelphia	22.6	21.2	21.8	23.5
Pittsburgh	5.6	5.6	7.5	7.2
Detroit	26.8	25.7	26.7	31.8
Cleveland	8.3	9.0	11.7	10.6
Baltimore	51.4	48.3	47.9	42.8
St. Louis	21.2	22.2	21.9	21.8
Boston	16.7	16.8	16.9	16.2
Milwaukee	17.8	15.7	19.0	20.3
San Francisco	15.6	9.8	9.5	8.4
Los Angeles	27.3	42.8	43.3	42.9
12 Cities—*Per cent of National Electorate*	15.8	18.3	20.7	21.3

produce such an imbalance in the size of metropolitan electorates as to permit the use of this fact as a rationalization of big city influence in presidential elections. Furthermore, contrasting the percentages in Table 1 with those in Tables 2 and 5 should refute such reasoning. These 12 cities represented only 15.8 per cent to 21 per cent of the national electorate from 1920 to 1948.[12] Their electoral rôle, however, has been much greater since 1932 than such percentages would suggest.

In analyzing the electoral trend data of urban areas in presidential elections, the major aspects which deserve consideration are: (1) the direction of the trend in the two periods of party supremacy under observation here, 1920–1928 and 1932–1948; (2) the amplitude of the urban contribution, in relation to

[12] In 1920, 15.8 per cent; 1928, 18.3 per cent; 1932, 18.3 per cent; 1940, 20.7 per cent; 1948, 21.3 per cent.

state pluralities, national pluralities, and the Electoral College vote; and (3) the implications derived from these data for the sectional interpretation of our politics. Further studies describing the characteristics of the urban electorate, as well as investigating other aspects of urban voting, need to be conducted, of course, before the picture is complete.[13] But this study should serve to sug-

TABLE 2

*Metropolitan Proportion of State Party Plurality, Presidential Elections, 1920–1948 (in percentages)**

	1920	*1924*	*1928*	*1932*	*1936*	*1940*	*1944*	*1948*
New York City	40.5	15.8	0	145.9	163.3	320.6	244.9	0
Chicago	41.4	41.2	4.7	55.5	77.8	326.0	298.6	926.5
Philadelphia	30.5	29.5	14.6	R44.9	31.6	63.3	142.9	0
Pittsburgh	7.6	2.3	.7	0	15.4	24.9	54.3	0
Detroit	31.9	30.3	15.5	65.2	57.7	0	908.7	0
Cleveland	12.7	0	0	56.7	26.3	104.8	0	1228.6
Baltimore	70.9	71.4	11.7	62.3	71.1	75.7	231.8	0
St. Louis	37.5	58.9	0	22.4	32.0	74.7	152.2	38.2
Boston	7.9	4.3	D582.4	161.9	65.5	65.7	71.9	58.2
Milwaukee	7.0	M20.2	0	27.0	32.7	280.8	0	96.4
San Francisco	15.9	1.6	0	15.5	14.1	12.0	15.8	55.6
Los Angeles	30.8	58.8	55.5	37.8	43.0	47.7	46.2	44.4
Mean Metropolitan Percentage	27.8	31.4	17.2	64.1	52.5	126.9	216.7	349.7
	(12)	(10)	(6)	(10)	(12)	(11)	(10)	(7)

* Republican, 1920–1928; Democratic, 1932–1948, except where indicated. Figures in parentheses indicate the number of cities included in Mean.
R—Republican D—Democratic M—LaFollette Progressive

gest the framework for more detailed explorations. Above all, tentative conclusions can be arrived at here indicating the significance of such research.

III. METROPOLITAN PLURALITIES IN THE TWENTIES

The trend data on metropolitan pluralities in the twenties are very revealing. Republican majorities in these states in the twenties were not primarily metropolitan. Tables 2 and 3 present the actual party pluralities and percentages for these 12 cities. From 1920 to 1928, there were only five instances

[13] Urban trends before 1920 and for cities of smaller size, in various population intervals, should be analyzed. Further, coördinated studies of the urban rôle in state and local elections, upon which the writer has begun research, are needed before definitive conclusions are permissible. Other studies of urban electoral influence which have explored some of these possibilities are: James K. Pollock and Samuel J. Eldersveld, *Michigan Politics in Transition* (1942); Harold F. Gosnell, *Grass Roots Politics* (1942); Samuel J. Eldersveld "A Study of Urban Electoral Trends in Michigan, 1920–1940," MS (doctoral dissertation), University of Michigan, 1946.

where these cities built up Republican pluralities which were over 50 per cent of the state's plurality, and which were, therefore, conclusive. These were: Baltimore in 1920 and 1924; St. Louis in 1924; and Los Angeles in 1924 and 1928. In a fifth instance, Boston in 1928, the city plurality was also responsible for swinging the state, but to the Democratic party. The Boston Democratic plurality of 99,000 for Smith offset the outstate Hoover plurality of 82,000, so that the state went to the Democrats by 17,000 votes. In only six out of 36 instances, therefore, did these cities cast a large enough percentage of the state plurality in the twenties to permit one to construe their contribution as controlling. In large pivotal states like New York, Illinois, Pennsylvania, and Ohio, the metropolitan plurality was not a major factor, and the vote outside of these large urban centers was certainly more important to Republican success.

The direction of the trend in the big city vote in the twenties was definitely running counter to the interests of the Republican party. The peak year for the Republicans in this respect was 1920. In that election, all but three of these cities produced sizable Republican pluralities, much larger pluralities than might have been expected from the ratio which their voting electorates bore to the state electorate. St. Louis, for example, with only 21 per cent of the Missouri electorate, produced 38 per cent of the state's Harding plurality; Baltimore, with 51 per cent of Maryland's electorate, was responsible for 71 per cent of the state plurality in 1920 and 1924. Similarly, although the difference was not so marked in the cases of other cities, Chicago, Philadelphia, Detroit, and Los Angeles contributed a larger proportion of the Harding plurality in their respective states than the size of their actual electorate would lead one to anticipate. Only New York, Boston, and Milwaukee, of these cities, were a disappointment to the Republicans in 1920 in this respect.

Already by 1924 these cities displayed a lack of enthusiasm for the Republicans. They either decreased their proportionate contribution to Republican pluralities (as was the case in seven of the 12) or they supported the La Follette Progressive party (as was the case in Cleveland and Milwaukee). Although three states, and 39 Electoral College votes, were won for the Republicans by these large cities in 1924, Coolidge attracted smaller metropolitan pluralities than did his predecessor.[14] It was in 1928, however, that this urban trend away from the Republican party reached its apogee in the twenties. Five cities (New York, Cleveland, St. Louis, Milwaukee, and San Francisco) went Democratic at the same time that their states went Republican. And cities like Chicago, Baltimore, and Philadelphia were contributing only 5 per cent to 15 per cent of their states' Republican pluralities. Pittsburgh barely went for Hoover. Boston was the major factor in Smith's success in Massachusetts. Only Los Angeles presented the Republicans with a sizable majority.[15]

[14] In 1924, only Philadelphia, Detroit, and Los Angeles increased the actual size of their Republican pluralities, and only Los Angeles, St. Louis, and Baltimore increased the proportionate size of their pluralities.

[15] Comparing 1928 with 1920, only Los Angeles increased the size and proportion of its Republican plurality.

Never in the twenties could the Republicans consider the metropolitan vote as their bulwark. A definite decline in Republican metropolitan strength took place after 1920. Most of these cities gave Harding their largest pluralities of the decade.[16] But even in 1920 these contributions were not decisive in these 10 states. After 1920, the direction of the trend for most of the 12 cities was away from the Republican party, a trend particularly noticeable in 1928, when only two of the cities contributed Republican pluralities equal to their proportion of the voting electorate. The average contribution of the 12 to state pluralities was 17.2 per cent in 1928, having dropped from 27.8 per cent in 1920. In a sense, these cities were indicating anticipation of political change, perhaps refuting an earlier hypothesis of Stuart Rice.[17] And, further, the transition they were undergoing took place during the boom period of the economic cycle, a development which might well confound students of politics who attempt neatly to equate political and economic cycles and trends.[18]

IV. METROPOLITAN PLURALITIES, 1932–1948

Whereas "non-metropolitan" voters decided the political issue for the Republicans in the twenties, such would be an erroneous interpretation of national party politics from 1932 on. The trend data on urban party pluralities from 1932 to 1948 were definitely in favor of the Democratic party, as Tables 2 and 3 reveal. In these five elections, out of 50 instances in which it was possible for these 10 states to be controlled by their large urban areas, in 35 the city pluralities were decisive. In three states (Massachusetts, California, and Illinois), the metropolitan majorities were consistently responsible for the Roosevelt and Truman successes. In two (New York and Maryland), the metropolitan area failed only once, in 1948, to swing the state to the Democrats. In two states (Michigan and Ohio), the city Democratic pluralities were controlling in all but two elections. Metropolitan voters were the least controlling in Pennsylvania, Missouri, and Wisconsin, although in the slim plurality years 1940 and 1948 Milwaukee's vote was responsible for swinging

[16] In 1920, nine cities produced their largest (or only) Republican pluralities; in 1924, two (Philadelphia and Detroit); in 1928, one (Los Angeles). Similarly, in 1920, nine cities contributed their largest proportion of the state Republican plurality; in 1924, three. It is true that the highest mean *percentage* contribution to state pluralities was in 1924 (31.4 per cent), although in 1920 the highest mean actual *plurality* was cast. The Republicans secured more Electoral College votes by virtue of urban pluralities in 1924 (39) than in 1920 (8) or 1928 (13). Furthermore, it is not meant here to convey the impression that the actual Republican vote decreased from 1920 to 1928. As a matter of fact, it did decrease in New York City, Boston, San Francisco, and St. Louis. This is a study, however, of changes in terms of plurality contributions, not in fluctuations of the actual vote. And for most of these cities 1920 represented the high point of their "relative," or plurality, Republican strength.

[17] *Op. cit.*, p. 175. Professor Rice's hypothesis was that "urban communities, admittedly more dynamic and more sensitive to currents of opinion than rural communities, tend to swing more strongly in any direction which public opinion in the nation as a whole is taking."

[18] Professor Key has, however, already indicated how slight is the verification for the cycle hypothesis. See his summary analysis of such studies, *op. cit.*, pp. 605–608.

TABLE 3

Party Pluralities in Ten States and Their Metropolitan Cities
Presidential Elections—1920–1948
(in thousands)

	1920	*1924*	*1928*	*1932*	*1936*	*1940*	*1944*	*1948*
New York State	R1,090	R 869	R103	D597	D 837	D224	D316	R 61
New York City	R 441	R 137	D454	D871	D1,367	D718	D774	D488
Illinois	R 886	R 876	R455	D499	D 713	D 96	D140	D 34
Chicago	R 367	R 360	R 21	D249	D 555	D313	D418	D315
Pennsylvania	R 714	R 992	R978	R158	D 664	D281	D105	R150
Philadelphia	R 218	R 293	R143	R 71	D 210	D178	D150	D 7
Pittsburgh	R 54	R 23	R 7	D 25	D 102	D 70	D 57	D 58
Michigan	R 525	R 723	R568	D132	D 317	R 7	D 23	R 35
Detroit	R 167	R 219	R 88	D 86	D 183	D149	D209	D152
Ohio	R 402	R 698	R764	D 74	D 619	D146	R 11	D 7
Cleveland	R 51	M 7	D 13	D 42	D 163	D153	D129	D 86
Maryland	R 55	R 14	R 77	D130	D 159	D115	D 22	R 8
Baltimore	R 39	R 10	R 9	D 81	D 113	D 87	D 51	D 24
Missouri	R 152	R 73	R171	D460	D 413	D 87	D 46	D262
St. Louis	R 57	R 43	D 14	D103	D 132	D 65	D 70	D100
Massachusetts	R 404	R 422	D 17	D 63	D 174	D137	D114	D242
Boston	R 32	R 18	D 99	D102	D 114	D 90	D 82	D141
Wisconsin	R 386	M149	R 94	D359	D 422	D 26	R 24	D 56
Milwaukee	R 27	M 30	D 29	D 97	D 138	D 73	D 61	D 54
California	R 396	R 308	R548	D476	D 931	D526	D476	D 18
San Francisco	R 63	R 5	D 1	D 74	D 131	D 63	D 75	D 10
Los Angeles	R 122	R 181	R304	D180	D 400	D251	D220	D 8
Mean Metropolitan Plurality	R 136	R 129	R 95 D102	D174	D 292	D184	D191	D120
Mean State Plurality	R 501	R 553	R418	D305	D 525	D182	D155	R 64 D103

Wisconsin to the Democrats. Similarly, Missouri and Pennsylvania went Democratic in 1940 and 1944, due primarily to the relatively large urban pluralities. In contrast to the twenties, urban pluralities from 1932 on were the dominant factor in determining the party status of the majority of these states.

Various indices can be used to measure the direction of the trend from 1932 to 1948, and competing interpretations can be defended, depending on the

particular index employed. First, using the index of the number of states which went Democratic by virtue of big city pluralities, 1940 is the peak election year. In 1940, only Detroit failed to swing its state into the Democratic column. In contrast, 1948 was the low point, only five states going Democratic as a result of metropolitan pluralities. These were Illinois, Ohio, Massachusetts, Wisconsin, and California.[19] States like New York, Maryland, Michigan, and Pennsylvania revealed a breakdown in the solidarity of their urban Democratic strength in 1948, a greater deviation than had been experienced since 1932. Although the cities in these states produced Democratic majorities, these were smaller than in previous elections, and were not large enough to counteract the non-metropolitan vote.

A second index, the percentage of the state plurality produced by the metropolitan center, presents a somewhat different picture. Most of these 12 cities contributed proportionately greater pluralities in 1944 or 1948 than in 1940. This was not true for New York or Milwaukee, which produced their greatest proportion of their state pluralities in 1940. But the Democratic pluralities in most of these states after 1940 were smaller and, consequently, the metropolitan percentage was higher.[20] These higher metropolitan percentages were not due to the increased size of the city pluralities.

A third index (the size of metropolitan pluralities) reveals that 1936 was the peak year in that respect. Only Detroit and Boston produced their largest Democratic pluralities after 1936.[21] The 1,367,000 New York City Democratic plurality in 1936 and the 555,000 Chicago Democratic plurality in that election were the highest for these two cities during the entire period. This fact is true for 10 of the 12 cities considered here. Definite recession in the size of the metropolitan plurality set in after 1936, noticeable particularly in 1940 and 1948. Urban pluralities were largest in 1936, but so were most state pluralities. State pluralities were either Republican, or Democratic *and* small, in 1948. Urban Democratic pluralities also reached their lowest in that election.[22] Consequently

[19] The number of states won by the Democrats in 1932–1948 due to urban pluralities was as follows: 1932, seven; 1936, six; 1940, nine; 1944, eight; 1948, five. The 149,000 Democratic plurality in Detroit in 1940 was not quite sufficient to offset the non-metropolitan Willkie vote.

[20] Percentage-wise, the number of cities in each election contributing their highest proportion of the state Democratic plurality was as follows: 1928, one (Boston); 1940, three (New York, Los Angeles, and Milwaukee); 1944, five; 1948, three (Chicago, Cleveland, and San Francisco). It must be remembered that in 1944 two of these states, Ohio and Wisconsin, went Republican; in 1948, four did so.

[21] Detroit in 1944 and Boston in 1948.

[22] See Table 3. The mean size of metropolitan pluralities was 292,000 in 1936, as compared to 120,000 in 1948. Six cities cast their smallest Democratic plurality in 1948. These were New York, Philadelphia, Baltimore, Milwaukee, San Francisco, and Los Angeles. As a consequence, New York, Pennsylvania, and Maryland went Republican, and California barely eked out an 18,000 Democratic plurality. Detroit in 1948 cast its lowest Democratic plurality since 1932, which accounts largely for Republican success in that state. Of the six states which went Democratic in 1948, three (California, Illinois, and Ohio) had only slight majorities, for which metropolitan voters were largely responsible.

the urban pluralities were least decisive in 1936 and 1948, but for two diametrically opposed reasons: in 1936, state pluralities were Democratic and large; in 1948 state pluralities, if Democratic, were small, *and* city Democratic pluralities were small. In 1940, while urban Democratic pluralities decreased in size, they did not decrease as much as did state pluralities. In 1940, therefore, metropolitan voters exerted their greatest influence during this period.

The direction of the urban plurality trend therefore can be assessed in varying terms. In terms of the size of these urban pluralities, 1936 was the boom year; in terms of proportionate contribution (the percentage the urban plurality was of the state plurality), 1944 was the boom year; in terms of the aggregate influence of urban pluralities (the number of states captured by virtue of urban pluralities), 1940 was the boom year.

TABLE 4

*State Electoral College Votes Won by Metropolitan Party Pluralities 1920–1948**

	1920	*1924*	*1928*	*1932*	*1936*	*1940*	*1944*	*1948*
New York				47	47	47	47	
Illinois				29	29	29	28	28
Pennsylvania						36	35	
Michigan				19	19		19	
Ohio				26		26		25
Maryland	8	8		8	8	8	8	
Missouri		18				15	15	
Massachusetts			D18	17	17	17	16	16
Wisconsin						12		12
California		13	R13	22	22	22	25	25
Totals	8	39	31 (R, D)	168	142	212	193	106

* Republican, 1920–1928; Democratic, 1932–1948, except Massachusetts in 1928, as indicated.

V. THE MAGNITUDE OF THE PLURALITY INFLUENCE OF BIG CITIES

These observations, especially those concerned with the total amplitude and significance of the urban contribution, can be reinforced by consideration of a few final interpretations. First, the significance in terms of the Electoral College vote should be apparent. The 10 states studied possessed from 221 to 231 Electoral College votes from 1920 to 1948. Table 4 summarizes the extent to which these urban areas were responsible for majority party control of these votes. The largest number of Electoral College votes won by Republicans in these states in the twenties (by virtue of urban pluralities) was 39 in 1924. In the five-election span beginning with 1932, the Democratic peak was 212, in

1940. From 1932 to 1948, the Democrats secured in these 10 states from 40 per cent to 80 per cent of the Electoral College vote needed by a political party (266) to win the presidential election. And this was because of the urban Democratic pluralities in these states. No less than five and as many as nine of these 10 states, totalling from 106 to 212 Electoral College votes, supported the Democrats from 1932 on. In the twenties, the Republicans were successful by reason of urban pluralities in, at most, three of these states, representing, at most, 15 per cent of the 266 votes necessary for election. These facts are perhaps the truest indication of the significance which the urban electorate has assumed in the past five elections, as well as suggesting a formula for the success of the Democratic party.

A second factor to bear in mind is the magnitude of urban pluralities in the thirties and forties. Whereas the Republicans captured none of these states by reason of urban pluralities from 1932 on, and their high in the twenties was Baltimore's 71 per cent of the Maryland Republican plurality in 1920 and 1924, the Democratic record since 1932 has been quite different. The proportion of the state Democratic plurality contributed by these big cities was sometimes tremendous. New York City and Chicago were outstanding in this respect, producing over 300 per cent of the state plurality in 1940 and close to or over 100 per cent of the state plurality in other elections. But these high percentages were not confined to these two major cities. Boston in 1932, Cleveland and Milwaukee in 1940, Philadelphia, Detroit, Baltimore, and St. Louis in 1944, and Los Angeles plus San Francisco, Cleveland, and Milwaukee in 1948—all these were instances when these urban areas produced close to, or over, 100 per cent of the state plurality. This is definite evidence of metropolitan-non-metropolitan political tension and cleavage, election situations when the party pluralities in these large urban centers were absolutely the balancing and controlling factors in Democratic party success.

A third and final measure of the amplitude (and direction) of the metropolitan plurality trend is found in an analysis of the relationship of the *total metropolitan* plurality to the *total national* plurality. As Table 5 reveals, conflicting interpretations of the relationship between the metropolitan vote and pluralities to the national vote are possible. (1) In terms of the *over-all*, or *gross*, national pluralities, the contribution by these large cities fluctuated considerably from 1920 on. In the twenties, the peak was 1920, when 23.2 per cent of the national plurality was found in these 12 cities. In the period 1920–1948, the peak was 1944–1948, when the "gross" metropolitan plurality was over 60 per cent of the national plurality. The low point was 1928, when 91 per cent of the Republican national plurality was found outside of these large cities. (2) In terms of *vote-contribution*, these 12 cities declined somewhat in 1948 from the 25 per cent of the Democratic national total which they produced in 1944. (3) In terms of their *net contribution* to national pluralities, a considerable decline occurred in 1948. In the last three presidential elections, there has been a drop in the size of the national plurality, the low point being reached in 1948, when President Truman won by a slim plurality of 2,135,000. The "gross"

metropolitan proportion of the national plurality has increased with a decline in the size of the margin of victory. But, viewed realistically, the national significance of the metropolitan vote in terms of state control has been reduced somewhat.[23]

The 1948 election may indeed indicate some recession in Democratic urban strength. Truman lost New York, Pennsylvania, Michigan, and Maryland,

TABLE 5

Relation of the Metropolitan Vote and Pluralities to National Pluralities Presidential Elections, 1920–1948

	1920	*1924*	*1928*	*1932*	*1936*	*1940*	*1944*	*1948*
Plurality (in thousands)								
National	R7,005	R7,339	R6,376	D7,060	D10,797	D4,938	D3,596	D2,135
Total Metropolitan	R1,627	R1,586	D 38	D1,839	D 3,608	D2,210	D2,296	D1,443
Sum of City Pluralities*	R1,627 (12)	R1,290 (10)	R 572 (6)	D1,910 (11)	D 3,608 (12)	D2,210 (12)	D2,296 (12)	D1,443 (12)
Percentage Relation of Metropolitan to National								
"Gross per cent"†	23.2	17.6	9.0	26.9	33.3	45.1	63.8	67.6
"Party Total per cent"‡	17.1	17.0	15.4	19.1	22.6	22.9	24.8	23.1
"Net per cent"§	23.2	17.6	9.0	22.1	28.4	22.2	28.9	16.6

* Figures in parentheses indicate the number of cities included in the total.

† Computed on the basis of the sum of metropolitan *pluralities*.

‡ Computed on the basis of total metropolitan and national party *vote*.

§ Computed on the basis of the relationship of the metropolitan *plurality* to the *vote* in each state. (See footnote 23.)

primarily because there was a decline in the size of the Democratic pluralities in the large cities of those states. But he was successful in the crucial states of Illinois, Ohio, Massachusetts, Wisconsin, and California, due to the Democratic pluralities in the key cities of those states. Finally, although the percentage of the Truman vote produced in urban areas was lower in 1948 than was Roose-

[23] The "gross" percentage used in Table 5 is misleading for some election years, since it is based on the sum of 12 city pluralities for the party winning the presidency. National pluralities, on the other hand, are generally arrived at after a summation of total Republican and Democratic *votes* (not pluralities), as reported by the states (not cities and counties). (By laborious summation of state *pluralities*, other national plurality figures can be computed. For example, the national plurality for 1920 would then be R7,936 (not R7,005), and for 1948 would be D2,774 (not D2,135).) This being so, it is necessary to relate the metropolitan pluralities to the state vote, on the basis of which national pluralities are computed. The "net" percentage in Table 5 attempts to do this. It is a composite figure, summing up metropolitan pluralities, or portions thereof, which enter into the state plurality figure. It, however, is also misleading because it leaves out of consideration important metropolitan Democratic pluralities from 1932 on, because their states went Republican. The third percentage used ("party total per cent") represents the relationship between the total Republican or Democratic metropolitan *vote* and the total national *vote* for the winning major party. The trend is observable by reference to all three indices, although as a true measure of amplitude none is perfect.

velt's in 1944, it was higher than had been Roosevelt's during the entire period 1932–1940. Actually in the past two elections the vote in large urban areas was of crucial importance to the Democratic party, much more than during the early New Deal period.[24]

That a trend in presidential elections is evident here cannot be denied. It is true that in the twenties the Republicans secured considerable support, as much as 17 per cent of their total national vote, from these urban voters; but this support was not as great and controlling as after 1928. The big city vote was not a definitive factor in major party success and party supremacy in the twenties. Since 1932, it has become well-nigh indispensable. To ask the question, "What would have been the result in presidential elections if the urban plurality had been cast for the other party?," synthesizes the problem nicely. In the twenties, the answer is that it would have made very little difference. In only five instances would it have changed the party complexion of the state plurality to the detriment of the Republicans. After 1928, however, casting urban pluralities for the opposite party would have had a drastic effect. New York would have gone Republican in all elections up to 1948, Illinois in all five elections; as for the other eight states, the Democratic party would have lost the Electoral College votes of from four to seven in each of the elections 1932–1948.

In 1940, 1944, and 1948, the Democrats would have lost the presidential election, therefore, without the urban pluralities which they received from these 12 key cities. Roosevelt's 449 Electoral College votes in 1940 would have been reduced to 237; his 432 Electoral College votes in 1944 would have been reduced to 239; and Truman's 303 Electoral College votes in 1948 would have been reduced to 197, without the crucial Democratic majorities produced by the metropolitan electorates.[25] In a sense, this is an over-statement of the

[24] Elmo Roper's post-election analysis of Truman's victory in 1948 (*New York Herald Tribune*, June 19, 1949) poses some interesting questions. Comparing 1948 with 1944, he concludes that one reason for the Truman success was the larger turnout and greater Democratic strength of lower-income wards in 1948. Although his study is suggestive of a trend, it does not explain the Truman victory in these states. Three of Roper's seven cities actually decreased the size of their Democratic pluralities. Increased Democratic votes in some wards were not a major reason for Truman's success.

Another conclusion of Roper is that the "long-run implication" of the 1948 election "is that the big city vote will go increasingly Democratic." The above study of metropolitan pluralities suggests that the swing of the big city vote to the Democrats was a greater and more consistent phenomenon from 1928 to 1944 than from 1944 to 1948. The pollsters' observations may help to explain their mispredictions in 1948, but the trend changes in urban voting which they discovered after the 1948 election, if true, actually were more in evidence before 1948.

[25] Roosevelt and Truman would also have lost these elections if one subtracts from their total Electoral College vote in those years other significant blocks of sectional, and "non-metropolitan," votes. Although it is not so easy to perform such subtraction in 1940 and 1944, it is easier to do so for 1948. The 59 Electoral College votes of the Border, for instance, which Truman won, and not by virtue of metropolitan pluralities, were vital to his victory. See table 7, footnote 37.

case and a reformulation for a special purpose, but it is an essentially valid conclusion; for these metropolitan pluralities were vital and the balancing force in Democratic success.

VI. SECTIONALISM AND METROPOLITAN PLURALITIES

The implications of this analysis for the sectional interpretation of American presidential politics can now be assessed. The data presented so far are relevant to the three propositions posed earlier summarizing the gist of the sectional hypothesis. Particularly is this true for the two major sections, the Northeast and the Middle West, in each of which sections four of these 12 cities are located. The first corollary of the sectional thesis asserts the existence of political homogeneity for these regions. What effect did metropolitan plurality trends after 1932 have on the nature of sectional politics?

The nine states of the Northeast, possessing 138–141 Electoral College votes in 1920–1948, have been, as Professor Ewing has put it, "preponderantly a Republican section" from 1864 on.[26] None of these states left the Republican party in 1896–1908, and only three deviations occurred in 1916–1928.[27] This is a remarkable record of sectional party habituation. The period 1932–1948, however, reveals no such homogeneity, and represents a decided break with the past for the Northeast. From two to seven of the nine states went Democratic in each of the elections during this period, matched only by the single-election deviations of 1892 and 1912. But of greater significance is the rôle played by the metropolitan electorates in this break with the past. From 64 to 100 Electoral College votes were captured by the Democrats in the Northeast in 1932–1944 as a result of the large pluralities built up in New York and Boston (every election), and Philadelphia and Pittsburgh (1940–1944). The Republicans lost the majority of the 140 Electoral College votes of this region in these four elections, and primarily due to the Democratic pluralities in the large cities.[28] This is a phenomenon which had never before occurred in this section since the Civil War and demonstrates that as a "solid" Republican stronghold New England and the East did not exist. It is true that in 1948 only two of these states, Massachusetts and Rhode Island, remained Democratic, and only one of them as a result of metropolitan pluralities, a situation identical with that obtaining in this region in 1928. Further, the Democrats made gains from 1932 on in most of these states and did not capture them all by virtue of

[26] *Op. cit.*, p. 47.

[27] These were: New Hampshire in 1916, Massachusetts and Rhode Island in 1928. In 1912, seven went for Wilson, Vermont for Taft, and Pennsylvania for Roosevelt.

[28] This section possessed 140 Electoral College votes in 1932 and 138 in 1944. In each election, the distribution was as follows: 1932, 56 Republican, 84 Democratic (64 due to metropolitan pluralities); 1936, 8R, 132D (64 metropolitan); 1940, 8R, 132D (100 metropolitan); 1944, 8R, 130D (98 metropolitan); 1948, 118R, 20D (16 metropolitan). The Republicans won five and seven states in 1932 and 1948, respectively; the Democrats won seven states in each election in 1936–1944.

metropolitan pluralities.[29] But the big city pluralities were responsible for presenting the Democrats with from 46 per cent to 71 per cent of the Electoral College vote in this area in each election. Above all, persistence and uniformity of the political pattern of the Northeast was not in evidence in 1932–1948, and the metropolitan vote was a major factor in disrupting this historical trend.

If breakup and heterogeneity in the Northeast is observed by virtue of metropolitan pluralities, the same must be concluded concerning the politics of the Mid-West.[30] This section, although less staunch than New England, had a record of remarkable persistence and uniformity before 1932. Professor Ewing concluded from his analysis that: "The political story of the Middle West is one of consistent Republican strength from 1864 to 1928."[31] And history bears him out, inasmuch as only Indiana deviated twice from the Republican complexion of this section in 1860–1888, none of the states deviated in 1896–1908, and only two states left the Republican party in 1916–1928—a remarkable parallel to the record of the Northeast.[32] These seven states of the Middle West controlled 117–122 Electoral College votes in 1920–1948—about 45 per cent of the quota (266) needed to win the presidency. It was a crucial section for the Republicans, but of only meager help to the Democrats. From 1932 on, however, a different political pattern emerged for the Middle West. All seven of these states went Democratic in 1932 and 1936, and from three to five of them in 1940–1948.[33] This is a record of persistent deviation from the traditional political status of this region, matched only partly by the Democratic successes in this section in the single elections of 1892 and 1912.

The part played by the metropolitan electorate in the sectional breakup of the Mid-West was considerable. From 1932 to 1948, 47 to 74 Electoral College votes were won in the Mid-West as a result of metropolitan pluralities. Chicago consistently controlled the electoral verdict in Illinois in all five elections; Detroit swung Michigan in 1932, 1936, and 1944; Cleveland did the same in Ohio in 1932, 1940, and 1948; Milwaukee was similarly influential in Wisconsin in 1940 and 1948. The Republicans lost the majority of the Electoral College votes in this region in this five-election span, and primarily due to metropolitan pluralities. From 40 per cent to 60 per cent of the Electoral College votes of the Mid-West were controlled for the Democrats in each election by the metro-

[29] Of the 498 Electoral College votes won by the Democrats in the Northeast in 1932–1948, 342 were because of metropolitan pluralities.

[30] In this analysis, the following states are included in "the Mid-West": Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and Iowa. This conforms to Professor Ewing's classification, but varies from Professor Holcombe's categories, inasmuch as he includes the last three states in the "West."

[31] *Op. cit.*, p. 86.

[32] In 1916, Ohio went Democratic; in 1924, Wisconsin gave LaFollette its Electoral College votes. In 1932, five of these states went Democratic, Michigan and Minnesota supporting Roosevelt.

[33] In 1940, only Indiana, Michigan, and Iowa went Republican; in 1944, Indiana, Iowa, Wisconsin, and Ohio; in 1948, only Indiana and Michigan.

politan vote.[34] The characterization of the Middle West as a "consistent Republican" region would no longer hold after 1932. And, unlike the Northeast, there was no slump in 1948 in the capacity of the large cities to produce winning pluralities for the Democrats. It is true that from two to four of these seven states went Republican in 1940–1948, and also that the Democrats did not capture all of these states by virtue of the vote in the large urban areas.[35] But it is obvious that the big city pluralities were a primary factor in disrupting the persistent sectional homogeneity which obtained in the Mid-West, and which was a basic factor in Republican success.[36]

The second and third corollaries of the sectional hypothesis are concerned with the formula for political party success in presidential elections. The questions raised by these data on urban pluralities are: Is the formula still today a combination strictly of sections, and is the balance of power held by a section or a type of section? Somewhat competing interpretations are possible here. It is plausible, however, to conceive of the combination and the locus of the balance of power in altered terms as a result of the nature of the trend in metropolitan pluralities in 1932–1948. These 10 states, having 231 Electoral College votes, are located in several political regions. In a sense, their large cities are nuclei of political power in these regions. The 12 cities in these 10 states contributed from 106 to 212 Electoral College votes to the Democratic party from 1932 on. Relating this to the former sectional conception of political combinations is significant. Table 6 suggests a possible formula by which to compute Democratic success in 1932–1948.

Many possible formulae could, of course, be defended as explanations of the basis of Democratic victories since 1932. A combination of the 10 states in the Solid South and these 10 urban states would alone have sufficed in 1932, 1940, and 1944. Again, a combination of the South, the West, and these urban states

[34] The Mid-West possessed 122 Electoral College votes in 1932 and 117 in 1944. The distribution of these votes in each election was as follows: 1932, 122 Democratic (74 due to metropolitan pluralities); 1936, 122D (48 metropolitan); 1940, 44R, 78D (67 metropolitan); 1944, 59R, 58D (47 metropolitan); 1948, 31R, 86D (65 metropolitan). Of the 466 Electoral College votes won by the Democrats in the Mid-West 1932–1948, 301 were because of metropolitan pluralities.

[35] This is particularly true for 1932 and 1936. The only victories won in these states by the Democrats after 1936 which were not directly related to metropolitan pluralities were in Minnesota, 1940–1948, and in Iowa, 1948.

[36] No detailed analysis can be made here of the significance of Baltimore and St. Louis pluralities for Border politics, or of San Francisco and Los Angeles pluralities in the West. Both Border states fluctuated cyclically between the two major parties after the Civil War. California, however, was Democratic only three times before 1932. The consistent Democratic strength in these states from 1932 on, not unusual for the Border states, was, however, largely due to metropolitan pluralities. This was not so for California and Missouri, for the period 1896–1928, with four exceptions: St. Louis did swing the state to the Republicans in 1908 and 1924; California went Progressive in 1912 and Republican in 1928 due to metropolitan pluralities. Baltimore, on the other hand, was a major factor in Republican successes in Maryland in 1896, 1900, 1908, 1920, and 1924, and contributed an important Democratic plurality to Wilson in 1916. Except for Baltimore, these cities have been consistently more instrumental in major party success from 1932 on.

would have been sufficient in all elections but 1948, as would have the Northeast, the South, and the Mid-West, or the South, Mid-West, and these urban states. No single, exclusively sectional explanation can alone produce the 266 votes Truman needed in the close election of 1948, but the combination of the South, Border, and these ten urban states comes closest to doing so. Further, the Democrats won a larger number of Electoral College votes from the eight Border states in the close elections of 1940 and 1948, and a consistently high percentage of the 70 votes in the Border region (95 per cent, 1932; 100 per cent, 1936–1944; 85 per cent, 1948), which may justify the inclusion of the Border in the above formula in preference to the more unreliable West.[37]

TABLE 6

Formula for Democratic Control in Presidential Elections 1932–1948 (Electoral College Votes)

	1932	*1936*	*1940*	*1944*	*1948*
South	113	113	113	115	77
Border*	59	62	47	48	59
10 Urban States	168	142	212	193	106
Totals	330	317	372	356	242

* Exclusive of Maryland and Missouri when they went Democratic due to urban pluralities, in which cases they are included in the third category.

TABLE 7

Sectional and Metropolitan Democratic Electoral College Votes

	1932		1936		1940		1944		1948		Section Total	
	NM*	M*	NM	M	NM	M	NM	M	NM	M	1932	1948
Northeast	20	64	68	64	32	100	32	98	4	16	140	138
South	113		113		113		115		77		113	115
Mid-West	48	74	74	48	11	67	11	47	21	65	122	117
West	64	22	64	22	34	22	33	25	36	25	86	89
Border	59	8	62	8	47	23	48	23	59		70	71
10 Urban States		168		142		212		193		106	231	230
Party Total	472		523		449		432		303			

* NM—Electoral College votes won in states *not* by virtue of metropolitan pluralities;
M—Electoral College votes won *as a result* of metropolitan pluralities.

[37] The following breakdown by elections summarizes the data on total sectional Electoral College votes won by the Democrats in 1932–1948, as well as indicating the number of such votes controlled by metropolitan pluralities. It will be seen that several formulae are possible.

Whatever the formula, these 10 urban states, geographically not adjacent, constituted a matrix of political strength, together similar in political complexion and trend, but often distinct from their special regions. Not only do their electoral divisions in the past two decades demonstrate the breakup of the old regional patterns, but they suggest that they may well be considered the balance of political power which accounted considerably for Roosevelt's triumphs and were indispensable to Truman. There is quantitative evidence here that Professor Holcombe's observation has been borne out. In 1933, he noted: "A leading feature of contemporary American politics is the shift in the balance of power from the country to the cities."[38] Urban presidential election tides from 1932 on, as explored here, indicate the validity of that observation. No conclusions are permissible from this study, such as bio-ecologists have indulged in,[39] concerning the political dominance by metropolitan centers of political regions, or, for that matter, of the United States. Nor can a single theory or interpretation of urbanism in politics adequately account for urban political behavior. Cities are not identical politically in composition, organization, and functioning. Above all, the urban electorate is unpredictable and irregular in its political behavior, and further studies describing the characteristics associated with voting in metropolitan areas need to be made.[40] Since the twenties, tremendous political change in the orientation of our national politics has taken place. It is a significant political fact that metropolitan party pluralities have played a major rôle in this change. The metropolitan vote may well have become the balance-wheel in our political system.[41]

THE CONSTITUTIONAL SIGNIFICANCE OF THE EXECUTIVE OFFICE OF THE PRESIDENT

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The Executive Office of the President of the United States was established in the summer of 1939 through the associated, if not wholly harmonious, endeavors of Franklin D. Roosevelt and the Seventy-sixth Congress. The Reorganization Act of April 3, Reorganization Plans No. 1 of April 25 and No. 2 of May 9, and the Joint Resolution of June 7, were the principal stages in a laby-

[38] *The New Party Politics*, p. vii.

[39] See N. S. B. Gras, *An Introduction to Economic History* (1922); R. D. McKenzie, *The Metropolitan Community* (1933); and D. J. Bogue, *The Structure of the Metropolitan Community; A Study of Dominance and Subdominance* (1949).

[40] Much research is necessary, for example, before the "urban middle class" aspect of the Holcombe hypothesis is verified. Coördinated factorial analyses of the composition of the urban vote are needed. These should describe urban voting behavior in terms of turnout, consistency of voting, third-party support, and political attitudes, in local, state, and national elections, and for contrasting types of cities.

[41] This study was completed under a grant from the Faculty Research Fund of the Horace H. Rackham School of Graduate Studies, University of Michigan.

rinthine course of policy-formulation that culminated September 8, 1939, in the issuance of the celebrated Executive Order 8248.[1] Today, ten years later, it is virtually impossible to conceive of the Presidency without the Executive Office, so essential has this nexus of administrative machinery become to its proper functioning. The end of a decade of unparalleled presidential activity would seem a proper season to take stock of the Executive Office of the President: to recall the reasons for its creation, total up the many additions and subtractions that have followed in bewildering and not always purposeful profusion, sketch its present composition, and, most important, call attention to its waxing significance as a key institution in the American system of government.

I

The immediate impulse for organizing the Executive Office was Franklin D. Roosevelt's own candid recognition that an otherwise professional performance during his first term in the Presidency was being severely hampered by the sheer multiplicity and complexity of his duties and by the want of effective assistance in their discharge. He was not the first person to make this discovery. Long before the New Deal began to pile unnumbered new burdens on the Presidency, students of the national government, the most vocal of whom were the Presidents themselves, had been calling the attention of Congress and the nation to the hapless condition of the "final object of the public wishes."

Mr. Roosevelt's solution was thoroughly in character. Never one to let an important national problem lie around unstudied by a special commission, he set the wheels turning in early 1936 with the appointment of the President's Committee on Administrative Management.[2] Under the adroit guidance of Louis Brownlow (chairman), Charles E. Merriam, and Luther Gulick, a corps of noted scholars probed deeply and painfully into the federal administration. Particular attention was devoted to the heart of the system, the Presidency itself. The Committee reported to Mr. Roosevelt in January, 1937, and in the shortest scholarly sentence on record told him what he had known ever since his first day in the White House: "The President needs help." In forwarding the Committee's reports to Congress, Mr. Roosevelt summed up the parlous state of the Presidency in these well-remembered words: "The Committee has not spared me; they say, what has been common knowledge for 20 years, that the President cannot adequately handle his responsibilities; that he is overworked; that it is humanly impossible, under the system which we have, for him fully to carry out his constitutional duty as Chief Executive, because he is overwhelmed with minor details and needless contacts arising directly from the bad organization and equipment of the Government. I can testify to this. With

[1] The citations for these are, respectively, 53 *Stat.* 561, 1423, 1431, 813; 4 *F.R.* 3864.

[2] Under authorization of the First Deficiency Appropriation Act, 1936 (49 *Stat.* 1600). For the history and reports of this committee, see generally W. B. Graves, *Basic Information on the Reorganization of the Executive Branch* (Washington, 1949), especially pp. 129–204. Mr. Graves has done us a real service in the compilation and publication of the material in this volume.

my predecessors who have said the same thing over and over again, I plead guilty."

The controversial recommendations of the President's Committee[3] ranged the whole field of executive management; central to its purposes, however, was the immediate problem of the presidential burden, which it proposed to lighten by instituting a team of "not exceeding six" executive assistants and an administrative staff of experts organized to handle the President's managerial functions in budgeting, planning, and personnel. These proposals ran afoul of the epic battle over the "court-packing" scheme and the efforts of numerous members of the Seventy-fifth Congress to pin the label of "dictator" on the President; not until two years later did Congress grudgingly bestow on Mr. Roosevelt a limited power of executive reorganization. The sweeping proposal of the Committee on Administrative Management that "the whole Executive Branch of the Government should be overhauled and the present 100 agencies reorganized under a few large departments in which every executive authority would find its place" was frustrated by those sections of the Reorganization Act that forbade the President to lay profane hands upon a full nineteen agencies, including the Civil Service Commission. With the latter exception, however, he was able to deal pretty much as he saw fit with his own peculiar administrative problems. The rationale of Executive Order 8248, that "nearly unnoticed but none the less epoch-making event in the history of American institutions,"[4] can most clearly be understood by quoting a notable passage from Leonard D. White, in which he has succeeded admirably in expressing the "basic objectives" underlying "the proper organization of any large-scale executive office in government." These, it would seem, were the purposes for which the Executive Office was created:

"1. To ensure that the chief executive is adequately and currently informed.

"2. To assist him in foreseeing problems and planning future programs.

"3. To ensure that matters for his decision reach his desk promptly, in condition to be settled intelligently and without delay; and to protect him against hasty and ill-considered judgments.

"4. To exclude every matter that can be settled elsewhere in the system.

"5. To protect his time.

"6. To secure means of ensuring compliance by subordinates with established policy and executive direction."[5]

There was a more profound purpose, too, peculiar to the Presidency and underlying all these others—but more of that presently.

[3] President's Committee on Administrative Management, *Report of the President's Committee* (Washington, 1937), p. iv.

[4] Luther Gulick, "The Executive Office of the President: A Symposium," *Public Administration Review*, Vol. 1 (1941), pp. 101–140. No student of the Executive Office should miss this authoritative symposium by Messrs. Brownlow, H. D. Smith, Merriam, McReynolds, Millett, and Gulick.

[5] L. D. White, *Introduction to the Study of Public Administration* (3rd ed., New York, 1948), p. 52.

The original elements of the Executive Office were six in number: the White House Office, a preëxisting instrument of presidential activity now formalized and strengthened by the addition of the six administrative assistants authorized in the Reorganization Act of 1939; three brand-new creations—the National Resources Planning Board (which did, of course, have several antecedents), the Liaison Office for Personnel Management, and the Office of Government Reports; a transfer from the Treasury Department, the Bureau of the Budget; and an office-in-embryo—"in the event of a national emergency, or threat of a national emergency, such office for emergency management as the President shall determine." The functions of these divisions were carefully detailed in Executive Order 8248. On September 11, 1939, the machinery went formally into action.

Through the years of crisis, it has continued to function on a high level of proficiency and morale. By no means a faultless intrument of public administration or an undiluted source of satisfaction to the scholars and administrators who supported its initiation, it has nevertheless served President and nation with distinction and has given an entirely new cast to the question of executive management in the national government, as well as to the Presidency itself. For some years now, it has been popular, even among his friends, to write off Mr. Roosevelt as a "second-rate administrator." In the light of Executive Order 8248, an accomplishment in public administration superior to that of any other President, this familiar judgment seems a trifle musty and platitudinous.

II

The present Executive Office is a considerably altered organization, both in numbers and composition, from that of 1939. In the first place, there have been three notable deletions from the original six divisions. The National Resources Planning Board, after having been subjected to some of the most irresponsible congressional abuse on record, was abolished by law, effective August 31, 1943.[6] The Office of Government Reports, transferred to the Office of War Information in 1942 and reconstituted as a division of the Executive Office in 1946, likewise fell prey to congressional imperception. Cut off without a cent in 1947, it was placed on the shelf by executive action. The Office for Emergency Management, activated and expanded by administrative orders of May 25, 1940, and January 7, 1941, respectively, had a "short happy life" as the administrative sky-hook from which Mr. Roosevelt cleverly suspended the vast hodgepodge of wartime agencies erected in his name as commander-in-chief. The virtually complete postwar abandonment of these agencies left the OEM in its prewar condition, without a head or a place to rest it. If it may be said to exist at all, it is rather as a hazy administrative concept than as a visible office. The OEM is now just a line of type in the *Government Manual*.[7]

Recent additions to the Executive Office have more than compensated for

[6] 57 *Stat.* 170.

[7] This, I think, is an unfortunate state of affairs. See C. L. Rossiter, *Constitutional Dictatorship* (Princeton, 1948), p. 311.

these losses. The three-man Council of Economic Advisers joined the presidential entourage under terms of the Employment Act of 1946,[8] which directed that it assist and advise the President in the preparation of an annual economic report on the state of the Union, "gather timely and authoritative information concerning economic developments and economic trends" and submit studies based on this information to the President, "develop and recommend to the President national economic policies" designed to promote the basic policy of the act ("to promote maximum employment, production, and purchasing power"), and generally to serve him as a formalized "brain trust" to "make and furnish such studies, reports thereon, and recommendations with respect to matters of federal economic policy and legislation as the President may request." The breadth of this mandate affords the Council of Economic Advisers full opportunity to fill the void left by the untimely demise of the National Resources Planning Board. It is instructive to note that this was the first instance in which Congress located a new governmental organ explicitly in the Executive Office of the President.

The National Security Act of 1947 hatched two agencies that came to roost in the Executive Office, apparently for want of a more suitable home: the National Security Council and the National Security Resources Board.[9] The function of the former is "to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to coöperate more effectively in matters involving the national security." The current membership of the Council includes the President, the Vice President, the Secretaries of State and Defense, and the chairman of the National Security Resources Board. The core of this inter-departmental committee is a permanent staff headed by an executive secretary. Suspended from the National Security Council, although hardly an integral part of the Executive Office, is the Central Intelligence Agency. The National Security Resources Board, another cabinet-level committee with a permanent staff of experts, advises the President "concerning the coördination of military, industrial, and civilian mobilization," and to this end engages in constant study and formulation of policies and programs for the most effective utilization of our natural resources, industrial and governmental facilities, and manpower in the event of war.

The Executive Office as presently constituted may thus be said to contain the following elements: (1) the White House Office, which includes the three secretaries to the President; five administrative assistants; three officials who may, for all practical purposes, be placed in this category: the "Assistant to the President" (John R. Steelman), the "Special Counsel to the President" (Clark Clifford), and the "Administrative Assistant in the Presidents' Office" (Rose Conway);[10] and the Executive Clerk; (2) the Bureau of the Budget, the Presi-

[8] 60 *Stat.* 24. [9] 61 *Stat.* 496, 497, 499.

[10] For the appointments of Steelman and Clifford, see *New York Times*, Dec. 13, 1946, and June 28, 1946, respectively.

dent's "administrative general staff," still the key division in the Executive Office; (3) the Council of Economic Advisers; (4) the National Security Council; (5) the National Security Resources Board; and (6) the Liaison Office for Personnel Management, now a one-man and virtually moribund office. (The one man is Donald Dawson, the President's specialist in personnel management.)

According to Senator Byrd, the personnel of these divisions totals about 1,100 persons, with roughly 225 in the White House Office, 530 in the Budget Bureau, 350 attached to the National Security Resources Board, 20 to the National Security Council, and 40 to the Council of Economic Advisers.

The Hoover Commission naturally devoted special attention to the Executive Office.[11] The Commission's (i.e. Mr. Hoover's) chief recommendations for strengthening the presidential machinery, which it chooses to call the "President's Office," are these: (1) the replacement of the Liaison Office for Personnel Management by an Office of Personnel, "headed by a director, who should also be chairman of the Civil Service Commission"; (2) the addition to the White House Office of a Staff Secretary, a career public servant who would "keep the President currently informed of work which has been undertaken by various parts of the President's Office, by the cabinet committees, or by inter-departmental committees or by special advisory committees"; (3) the replacement of the Council of Economic Advisers by an Office of the Economic Adviser with a single head; (4) an expansion of the rôle of the Bureau of the Budget (henceforth known as the Office of the Budget) as an instrument for the improvement of administrative management; (5) the formal, as well as practical, inclusion of the National Security Council and National Security Resources Board in the Executive Office;[12] and (6) the bestowal on the President of unfettered authority to control and reorganize his own machinery, including the "membership and assignment" of cabinet-level committees set up to advise him on important issues of policy.

The worth of the Commission's proposals, and of those periodically suggested by other public and private experts, will be thoroughly debated in the months and years to come. The Executive Office is in the early stages of its possible total development. Further changes of structure and function may be confidently expected. The precise identity and nature of each of these changes are not for the academic political scientist to predict or counsel. The politic advice of John Dickinson to the Constitutional Convention—"Experience must be our only guide. Reason may mislead us"—has never been more apposite than to the present subject of discussion. The career public servants and distinguished consultants attached to the Executive Office itself, especially to the Division of Administrative Management in the Bureau of the Budget, must draw the detailed blue-prints, whether for an isolated adjustment or a major overhaul.

[11] See generally its first report, *General Management of the Executive Branch*, 81st Cong., 1st Sess., House Doc. No. 55.

[12] This proposal was embodied in President Truman's Reorganization Plan No. 4, presented to Congress June 20, 1949, and is now law. See *Daily Cong. Rec.*, pp. 8127–8128.

Yet in this instance, as in other official inquiries into the purposes and structure of our constitutional system, the outsider can perform a useful function by recalling to those in power the words that Lincoln spoke to the reformers and reorganizers of his day: "If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it."

What I am trying to suggest to those who bear the actual responsibility for the present and future of the Executive Office is simply that they see clearly what they have done before they do anything farther; that they recognize the full implications of this presidential machinery for the American system of government; and that they make up their minds now, before it is too late for painless readjustment, just what sort of an Executive Office they want ultimately to have. The Executive Office, as we shall presently see, is something more than an administrative general staff; it is also something less than a convenient barrel into which Congress or even the President can dump any committee or council or position that deals with matters in the executive sphere and has no better place to be deposited. It is a prime instrument of popular government, potentially one of our two or three most intrinsic in addition to the three great branches themselves; as such, it must be approached by men with a definite understanding of its character and purpose.

The search for this understanding leads directly to the final and most critical point of discussion in this article: the significance of the Executive Office as a key institution in our governmental system. What are the basic, long-range constitutional consequences of the Executive Office of the President? Where does this machinery fit in the over-all pattern of our national polity? What has been its chief value as an instrument of democratic government? I should like to offer an answer to this collective question, in two related parts—the first dealing with the Executive Office as it was in the beginning and during the initial six or seven years of its operation, the second with this machinery as it has been constituted since 1946 or 1947, especially since the addition of the National Security Council and the National Security Resources Board. This latter discussion should suggest an answer to yet another question: What is the future of the Executive Office?

III

The creators of the Executive Office had a two-fold purpose: first, to furnish the President immediate assistance in his rôle as chief administrator and thus improve administrative management throughout the federal government; and second, to relieve him of a great mass of weary detail that had been piling up over the years and, by granting him added time and energy for his other duties, save the political and constitutional Presidency from paralysis and inattention. They intended to rescue not merely the administration but the Presidency itself from the babel and bedlam of the modern state.

The second of these purposes has been obscured in recent years. Most of the thinking and writing about the Executive Office has been done by men in the field of public administration; it is altogether natural that they should discuss

it almost exclusively as a device for more effective administrative management.[13] The reverse of the coin finds many writers dealing with the larger aspects of the Presidency and ignoring almost completely the existence and significance of the Executive Office.

I do not mean to say that the rôle of the Executive Office as an arm of administrative management is unimportant. Quite the contrary; were it stripped of all other functions and goals and considered purely in terms of public administration, we should be thoroughly justified in proclaiming it one of the truly vital organs in our present system. But I think we must transcend the bounds of public administration and recognize its importance for the total Presidency. Certainly Mr. Roosevelt looked upon the establishment of the Executive Office as something more than a scheme for more efficient administrative management, if only because he happened to be a President who looked upon his position as "preëminently a place of moral leadership." His reading of the Executive Office was clearly expressed in his message to Congress of January 12, 1937: "The plain fact is that the present organization and equipment of the executive branch of the Government defeats the constitutional intent that there be a single responsible Chief Executive to coördinate and manage the departments and activities in accordance with the laws enacted by the Congress. Under these conditions, the Government cannot be thoroughly effective in working, under popular control, for the common good. . . . What I am placing before you is not the request for more power, but for the tools of management and the authority to distribute the work so that the President can effectively discharge those powers which the Constitution now places upon him. *Unless we are prepared to abandon this important part of the Constitution*, we must equip the Presidency with authority commensurate with his responsibilities under the Constitution."[14]

The italics are mine, but the emphasis Mr. Roosevelt's. He was naturally quite interested in new machinery that would help him budget and plan and manage personnel, but he was far more deeply concerned with the Presidency in general, and determined that it be adjusted in all its ramifications to the mounting stresses of a protean, outward-looking, industrial society. For him, therefore, the Executive Office was peculiarly meaningful as a mechanism that would lighten his administrative load to such an extent that he could discharge his other duties with vigilance and dispatch and, in effect, justify once again the wise decision of the framers to create the Presidency as a one-man unit of our three-part government. He wanted to be a better administrator, but more than that he wanted to be a better President. He wanted *relief*—relief from briefings and decisions and appointments and conferences on administrative affairs that should have been handled from beginning to end at some other level, in many instances far below that of the Presidency. In short, he wanted addi-

[13] See, for example, N. M. Pearson, "A General Administrative Staff to Aid the President," *Public Admin. Review*, Vol. 4 (1944), p. 127.

[14] Graves, *op. cit.*, pp. 133–134.

tional hours, not for his prints or stamp collection, but for the exercise of his obligations as commander-in-chief, director of foreign relations, leader of Congress, and head of his party. This was the line of thinking, at least in terms of the Presidency itself, that led to Executive Order 8248. Even if the Executive Office were still composed of its original six divisions, there would be reason enough to regard it as first of all an effort to save the Presidency and the Constitution, and only second as a well-directed stab at better administraton.

The fact of the matter is, as we have already observed, that the Executive Office is not composed of its original divisions. Since the end of the war, it has acquired three important new branches, two of which, the National Security Council and the National Security Resources Board, are so different in personnel and purpose from the Bureau of the Budget or the Liaison Office for Personnel Management that their accession may have changed the character of the institution fundamentally. The Executive Office is no longer simply a staff that aids the President directly in the discharge of the most exacting of his major responsibilities, that of chief administrator, and thus gives him additional hours and fresher powers for military, diplomatic, and political affairs; it is now organized, however accidentally and inadequately, to aid him directly in the discharge of these other functions. If it ever was (which I doubt) the exclusive province of the public administrators, it is no longer. From a purely staff service it is fast developing into an agency that also formulates and coordinates policies at the highest level. If the Executive Office is to remain a collection of staff agencies, and thus a device solely or even principally for administrative management, it must rid itself at once of its most recent additions.

This, of course, is neither likely nor advisable. The inter-departmental committees and their permanent staffs have found a happy home in the Executive Office. Indeed, the Hoover Commission, without indicating that it recognizes the implications of its counsel, has advised that their inclusion be made legal. Henceforth, critics and reformers must think of the Executive Office as a combination of staff and advisory services prepared to assist the President in many more than one, perhaps eventually all, of his major functions.

In sum, the constitutional significance of the Executive Office, as it was originally conceived, and even more positively as it exists today, would seem to be this: It converts the Presidency into an instrument of twentieth-century government; it gives the incumbent a sporting chance to stand the strain and fulfill his constitutional mandate as a one-man branch of our three-part government; it deflates even the most forceful arguments (e.g., Mr. Herman Finer's) for a plural executive, it assures us that the Presidency, and with it the Constitution of 1787, will survive the advent of the service state. Executive Order 8248 is therefore of a piece with the Legislative Reorganization Act of 1946 and the several statutes of the past twenty-five years that have made the federal judiciary one of the most efficient court systems in the world. In each instance, men of high purpose have sought, some with more success than others, to convert a branch of our tripartite system into a responsible, effective weapon of

modern democracy, without injury to its status or corruption of its powers. In each instance, the ultimate motive is not so much to create a more disciplined legislature or expeditious process of justice or well-ordered executive as to adapt the Constitution of 1787 to a changing world, to prove its continued viability for our American democracy.

IV

The future of the Executive Office is not wholly clear, but it seems reasonable to assume that with the accretion of new duties to the President's jurisdiction it will evolve even farther in the direction of a combined administrative, advisory, planning, and policy-formulating office serving the President in an intimate, indispensable capacity.[15] I would even go so far as to suggest that what we have here in embryo are the lineaments of a Presidency not only for the twentieth or twenty-first centuries, but for every century to the end of the Republic.

The vision is of a President sitting on high, not in the guise of a Dalai Lama cut off from his servants and the people below, but as a reasonably accessible super-executive for whom a dozen or so offices and councils would come to grips with the great and trivial problems in every field of his many-sided competence. One council, or even several, would be designated to assist him in each of these fields; play between the joints would be secured by plural memberships, *ad hoc* coördinating bodies, and perhaps the superimposition of several permanent central agencies. The President might, for example, be assisted in his duties as commander-in-chief by a military council somewhat on the model of the War Council outlined in the National Security Act of 1947, as well as by the National Security Resources Board; as chief of foreign relations, by the National Security Council; as chief administrator, by the Bureau of the Budget and the Office of Personnel; as planner for the future, by the Council of Economic Advisers; as leader of legislation, by a group based on the joint legislative-executive council proposed by the La Follette-Monroney Committee, as well as by the Budget Bureau and Council of Economic Advisers; as emergency arm for strikes, riots, panics, and natural disasters, by a revived and purposeful OEM; and even as chieftain of his party, by a more openly formed group of the eight or ten leading political figures in Washington and the country. And certainly he would need a combined staff and advisory agency to aid him in his obligations as proconsul of a world federal government!

The administrative assistants would "remain in the background, issue no orders, make no decisions, emit no public statements," but pass up the facts, pass down the decisions, and generally continue to serve the President in a thousand personal ways. Likewise, the practice through which the President "has often made good use of special citizen advisory commissions or has called

[15] See the thoughtful articles of Arthur W. Macmahon, "The Future Organizational Pattern of the Executive Branch," in this REVIEW, Vol. 38 (1944), p. 1179, and Wayne Coy, "Federal Executive Reorganization Re-examined; Basic Problems," *ibid.*, Vol. 40 (1946), p. 1124.

on private citizens of eminence and prestige for advice" would continue unabated.[16] The cabinet, which already is giving ground rapidly to the interdepartmental committee, would pass into oblivion; in its place would be a congeries of functional cabinets with reduced and appropriate membership. Each of these councils or offices would operate in the President's name alone and in pursuit of his constitutional and statutory authority. It would meet under his chairmanship to consider an agenda prepared by a trusted and expert permanent staff. Needless to say, his would be the overriding vote in each of these councils. And in his absence it would make decisions in which the vital element would be the self-query, "Well now, how would the chief go at this one if he were in our shoes?" Finally, it would protect him from all but the most important problems in its area, present these in such form that they could be readily grasped and mastered, and strive consciously to preserve his freedom of choice among competing alternatives. Ninety per cent of the tasks the framers assumed he would perform personally would now be handled by others immediately responsible to him and forced by the logic of the situation to act as conscious alter egos.

This ultra-modern, "institutionalized" Presidency would not be that envisaged by the men of 1787; nor would it be a departure upon which we could gaze with unqualified enthusiasm or equanimity. It is conceivable that the President would become a prisoner in his own house, the victim of too much and too rigid organization, and that something quite different from unity would characterize the executive branch. (Personally I doubt that such a situation would develop, or could last very long if it did; Andrew Jackson proved once and for all the ability of a determined President to burst the bonds of restrictive custom and legislation and return to the plain words of Article II.) Yet something of this nature may be the only solution to the problem of an "eighteenth-century Constitution in a twentieth-century world." If we propose to continue, as I am certain we do, with the Constitution that has served us long and nobly, and has met the great tests of time and crisis, we must be prepared to experiment boldly with the non-constitutional accessories of our three constitutional branches and take our chances on the uncertainties and pitfalls of conscious political reform.

About the Presidency of 1949, we can be more certain. It remains a truly remarkable instrument of popular government, "one of the very greatest contributions made by our nation to the development of modern democracy."[17] Indeed, it has never been more useful than at the present moment. The "UNITY of the executive" that Hamilton advocated so impressively in *The Federalist*, Number 70, persists as a key feature of the American Constitution; the arguments of Sherman, Paterson, Randolph, Yates, and Pierce for a plural executive still go unsupported. Thanks to the Executive Office, the Presidency has adapted itself to the exigencies of the modern state at least as well as the courts and far more successfully than Congress.

[16] *General Management of the Executive Branch*, p. 21.

[17] The President's Committee on Administrative Management, quoted in Graves, *op. cit.*, p. 137.

If this machinery continues to grow with the Presidency, and in the right direction, the future of our first office will be assured. By "right direction," I mean a middle course between the polar ideas of an Executive Office that would be a purely administrative arm and one that would serve as a general place of refuge for all manner of inter-departmental committees and advisory councils. In any case, the need is for constant change and experimentation, for an Executive Office that is not so much a perfect pyramid of executive organization as an intentional projection of the plastic mosaic of formal and informal arrangements and institutions that have always surrounded the successful Presidency. In attempting to give them a more stable form and conscious purpose, we are recognizing that they have helped decisively to save the Presidency from paralysis and the Constitution from oblivion. This is the constitutional significance, the present meaning and future promise, of the Executive Office of the President.

CONGRESS AND THE BUDGET; A PLANNER'S CRITICISM

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I

A criticism of the procedure which results in appropriations acts must proceed from some premises regarding the function of Congress and the nature and use of the budget process. This criticism is based on the assumption that it is not the function of Congress to govern, but instead: (1) to indicate wants, (2) to institutionalize the giving or withholding of consent, (3) to bring political conflicts toward resolution, (4) to provide a forum for the formation and expression of public opinion, and (5) to act as a court of final review in which the actions of the government may be scrutinized, controlled, and checked. All of these functions are thought of as being performed in the broadest policy sphere, the application of policy to particular matters being left to the executive branch. The whole function of Congress, so conceived, is to make value judgments in matters of widest concern.[1]

* The writer wishes to thank his colleagues in the Program of Research and Education in Planning and Professor Leonard D. White for criticisms of an earlier draft of this paper.

[1] It may be well to point out that both the trend of practice and much respectable theory support this view of the function of Congress.

According to a committee of the American Political Science Association, "there is a strong tendency, accelerated in recent times, for the initiation and formulation of new legislation to become an executive function and for Congress to limit itself to review, criticism, and amendment . . . there is also a tendency for Congress to restrict its lawmaking to the determination of general, guiding principles. . . . " *The Reorganization of Congress* (Public Affairs Press, Washington, 1945, pp. 13–14).

C. J. Friedrich (*Constitutional Government and Politics*, New York, 1937, p. 362) says: "The political function of representative assemblies today is not so much the initiation of legislation as the discussion and coördination of proposed legislation and the carrying on of the popular education and propaganda which is involved in that function. He

Budgeting is commonly regarded as a method of setting down, item by item, the estimated component costs of an undertaking in order to arrive at an estimated total cost. At the same time, budgeting is also used as a technique for securing managerial control over expenditures; by requiring that funds be spent according to a budget, it is possible, if the budget is sufficiently itemized, to control the spender in minutest detail. While these uses of budgetary procedure are by no means excluded, it is the premise of this paper that the primary purpose of budgeting ought to be to achieve the most desirable allocation of funds among alternative uses, and over time. It is assumed that the amount of funds to be expended in any period is always limited, and that therefore the chief problem is to ration the limited funds among competing possibilities in such a manner that each dollar will make the greatest returns in terms of controlling social purposes. From this point of view, the budget process consists in establishing relationships or priorities among possible uses of funds; the wider and more systematic the canvass of possible uses and the more perfect (rewarding in terms of controlling social purposes) the construction of relationships, the better is the budget.[2]

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favors (p. 408) "a clear division between the function of formulating a comprehensive program [budget], which properly belongs to the administrative head of the government, and the function of deliberating upon this program and readjusting it in terms of an emerging compromise over major policies of the major party, a function which properly belongs to Congress."

In his *Congressional Government* (15th ed., 1900, p. 192), Woodrow Wilson wrote: "Probably the best working commission would be one which should make plans for the government independently of the representative body, and in immediate contact with the practical affairs of administration, but which should in all cases look to that body for the sanctioning of those plans, and should be immediately responsible to it for their success when put into operation."

J. S. Mill (from whom the phrase "to indicate wants," used above is taken) omits the function of political decision-making from his classic statement: "Instead of the function of governing, for which it is radically unfit, the proper office of a representative assembly is to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which anyone considers questionable; to censure them if found condemnable, and, if the men who compose the government abuse their trust, or fulfill it in a manner which conflicts with the deliberate sense of the nation, to expel them from office and either expressly or virtually appoint their successors." (*Representative Government*, Everyman's Library ed., p. 239). Mill favored a small, permanent commission to frame, but not to enact, laws: "The Commission would only embody the element of intelligence in their construction; Parliament would represent that of will" (p. 237).

[2] Pigou formulated the problem as follows: "Resources should be so distributed among different uses that the marginal return of satisfaction is the same for all of them. . . . Expenditures should be distributed among battleships and poor relief in such wise that the last shilling devoted to each of them yields the same real return." (Quoted in V. O. Key, "The Lack of a Budgetary Theory," in this REVIEW, Vol. 34, Dec. 1940, p. 11.) There is a difficulty, of course, in treating society as if it were an economic man; the writer therefore prefers "controlling social purposes" to "satisfactions," although the theoretical difficulties remain serious.

These assumptions yield some corollaries. The appropriations act (budget estimates enacted into law) ought not to be chiefly a device of administrative management, least of all administrative management by Congress. Instead, it ought to be chiefly a method of allocating funds among competing purposes in a manner calculated to achieve the optimum result. The rôle of Congress is not to formulate the budget (this is the task of administration), but to supply the pattern of key value judgments around which the budget is built.

II

Under present practice, the federal budget is hardly more than an accumulation of bits and pieces gathered up from the various bureaus. Each bit or piece is designed, at least in the main elements of its structure, by use and wont, by the pressure of special interests, and by decisions of bureau chiefs—decisions which, while by no means capricious, are for the purpose of national budgeting often, perhaps generally, irrational. That the bits and pieces which come from the bureaus are examined, sometimes reshaped, and to some degree arranged and assorted by cabinet officers, the Budget Bureau, the President, and the Congress does not alter their essentially discrete and unsystematic character.

The bureau chief makes the initial estimate; others, including Congress, review and revise his decision. If the activity is routine, there is little or no revision. There is, of course, substantive legislation upon which the bureau chief relies in making his estimate, but it would be a mistake to suppose that his decision is virtually fixed by the legislation—that he performs a mechanical function, calculating the sum required to carry out a purpose already decided upon by Congress. Even where the law is very definite, his latitude to decide may be great. Congress has declared its purpose to reduce farm tenancy, for example, but a bureau chief has to decide whether to estimate, say, one million or one billion for that purpose in the coming year.

On what basis does the bureau chief arrive at his estimate? Only the most routinized activities have yet been made amenable to standardization and measurement by "work units"; in many agencies, the procedures for reaching estimates are, in a department budget officer's polite phrase, "elementary in character."[3] The administrator of the agency making tenant loans, for example, may follow a systematic method of estimating administrative costs, but only after he has decided how many loans will be made. Unfortunately, there is no systematic basis by which he can determine how many loans should be made. He knows that there are 1,858,421 tenants; but Congress has not told him how many of these should ultimately be made owners, or how rapidly it wishes to proceed. There being no other basis to go on, the administrator will propose the largest sum he thinks the Budget Bureau and Congress are likely to accept; the dynamics of his situation as the head of an agency require that he maximize the importance of the agency's activity. But, even if this were not the

[3] W. A. Jump, "Budgetary and Financial Administration in an Operating Department of the Federal Government." *Proc. of the 28th Conf. of the Governmental Research Assoc.* (1939).

case, his estimate would have to be arbitrary, for there is nothing to which it could be related.

The Budget Bureau review of bureau and department estimates is, of course, somewhat more than a review.[4] It may go beyond the estimates and into substantive questions; but, nevertheless, the Budget Bureau does not work from a *tabula rasa*. Although it has shown itself willing to incur hostility if necessary, it also acts in the light of anticipated congressional reaction; while its revisions are often consequential, they are not likely to raise radical questions of policy. If the bureau and the department agree, the Budget Bureau will ordinarily "go along," although it may insist upon reductions here and there to bring sub-totals within over-all totals which have been fixed with the advice of the Council of Economic Advisers. Thus, as it goes to Congress, the budget has some semblance of structure, but it is a structure that results from bringing together in one place parts which are largely adventitious. The modifications that Congress makes are often drastic in respect to particular items, but they are of remarkably little significance on the whole.[5]

Congress does not view the budget as a means of effecting a rational distribution of limited funds among alternatives. Instead, Congress sees the budget as an instrument for exerting managerial control over the executive and (here the essential nature of the budget process is neatly reversed) as a means of establishing the supremacy of private and local interests over the national interest. This explains the otherwise inexplicable fact that the budget "justifications" consist of comparisons with the year just past. What is wanted is really a method of pre-audit, not of rational allocation; and so it is entirely logical to "justify" the items for the year ahead by reference to the year past: every proposed change then signals, as if with a flag, that here some new policy, procedure, or program is contemplated. Here an estimate shows an increase over last year of $10,000. Why? The question is far more important to the congressional pre-auditors than an item of, say, $1,000,000 which is repeated year after year. The purpose of the budget, as it seems to Congress, is to bring such questions to the fore so that suspicion of the executive and solicitude for local interests will have opportunity to express themselves.

[4] A recent (Aug. 1, 1948) *New York Times* article describes the process as it operated under James E. Webb: "Each agency furnishes a preliminary outline to the Budget Bureau on its program for a forthcoming year. Then the Budget Bureau works up a total program outline for the whole government. [It is working now on the program for the year starting next July 1.] Then there's an appraisal of the total program. The total is adjusted to what is considered best from an over-all standpoint, and each agency's part in the revised program is determined. Next the agencies are told how much money they can ask for and what parts of their programs best fit the whole government program. They're asked to make the best budgets they can within the limits set for them."

[5] A. W. Macmahon found that in twenty-six appropriations bills containing 1,801 items in 1941 the House increased 103 items above the Budget estimates and decreased 542. The Senate increased twenty-five per cent of the items above the House figure, with the result that the total appropriated was $55,325,771,373, as against budget estimates of $53,133,772,698. "Congressional Oversight of Administration; The Power of the Purse," *Political Science Quarterly*, Vol. 58 (Sept., 1943), footnotes, pp. 387 and 407.

This view of the budget accounts for the character of much of the budgetary reform that has been proposed and, perhaps, for the fate of all of it. It accounts also for certain curious omissions in the programs of reform, and especially for the fact that some problems undeniably of first importance have gone quite unrecognized.

The persistent suggestions looking toward better staffing of appropriations committees show awareness that, as one congressman said, "we appropriate blindly,"[6] but they do not show awareness that inevitably Congress *must* appropriate blindly. The activities of the federal government are too fantastically complex to be comprehended in detail, even by a large staff. How is the subcommittee to know whether the Soil Conservation Service's estimate for the year is reasonable? Only by employing qualified technicians to examine on the ground a fair sample of the gullies which SCS claims exist and by having management experts check SCS administration. This, of course, would require a very large staff, and, after all, it would be the SCS personnel, not the investigators, who would have the responsibility for carrying out the work anyway. Congress must depend almost entirely upon the bureaucrats for its information; if it did not see itself as cast in opposition to the executive branch because of the supposed necessity of governing it, this would not be so impossibly hard a fact for Congress to accept.[7]

A second preoccupation of the reformers—that of achieving a unified, coordinated approach to fiscal policy—has been equally unproductive of result. Congress centralized the spending function in appropriations committees (although retaining the decentralization in the subcommittees); it united the spending and revenue-raising functions in a Joint Budget Committee (while keeping them quite separate in practice); and it brought Congress and the Executive together in the formation of national economic policy under the Employment Act of 1946 (while regarding the President's Economic Report as another campaign document). All of the talk about the need for a unified fiscal policy has been of little practical significance. The reason, of course, is that Congress' interest lies not in fiscal policy but, almost solely, in using the budget for purposes of pre-audit.

The suggestions of the reformers have been more plausible than useful, however, and Congress is not to be much blamed for ignoring them. The suggestions of George B. Galloway may be taken as typical.[8] Congressional budget

[6] B. F. Jensen [of Iowa], *Organization of Congress*, Hearings before Joint Committee on Organization of Congress, 79th Cong., 1st Sess., 1945, p. 208.

[7] Jerry Voorhis was one of those most concerned by Congress' dependence on the bureaucrats. See his testimony, *Organization of Congress, op. cit.*, pp. 34–35. Congress might depend very heavily upon the Budget Bureau for special service, but it has chosen not to do so. Representative Michener probably explained why when he said (*ibid.*, p. 209) the Budget Director is "the personal representative or mouthpiece of the Administration."

[8] *Congress at the Crossroads* (New York, 1946), p. 254. See also (in *Organization of Congress, op. cit.*, p. 845) the testimony of Robert Heller, who made a study for the National Planning Association. Heller's criticism: "At present little effort is made (a) to relate total revenue and total appropriations so that they are balanced or designedly

planning must be modernized, Mr. Galloway says. Each year the spending and revenue-raising committees of the two houses should submit a concurrent resolution setting forth the total estimated income and outgo for the coming fiscal year.[9] If outgo exceeds income, Congress should authorize additional debt by a record vote. If appropriations are later found to exceed the ceiling, all items (except some, like the cost of servicing the national debt, which Mr. Galloway considers to be of special importance) should be scaled down.

Mr. Galloway does not say how Congress would arrive at its estimates of revenue, and particularly of spending (presumably Congress would not accept the President's estimates, for to do so would be virtual abdication), nor what would be accomplished by such figuring. He does not explain why it is important that income exceed spending; presumably he believes that the budget ought to be balanced every year. Nor does he explain why the procedure he suggests should be suspended in war and only in war. Is a war emergency necessarily different from other emergencies? And is a budget procedure which is a handicap in an emergency not also a handicap when there is no emergency?

Neither Mr. Galloway nor other authorities have offered any reason why the budget should cover a period of twelve months.[10] Apparently they have taken for granted that this is the most suitable measure of time. It is so, perhaps, for purposes of pre-auditing; but there is much to be said against it on other grounds. "Events of the last six months," President Truman said recently, "have also emphasized that we cannot plan our fiscal policy on the basis of a single year only."[11]

III

It is curious that in all the discussion of congressional reform no one has suggested that the objective of budgeting and appropriating is to secure the

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unbalanced; (b) to analyze specific revenue measures in terms of total revenue requirements; (c) to align specific appropriation measures with a predetermined level for total appropriations; and (d) to grant real discretion to appropriations committees as regards the total amount of money to be spent, since such a large percentage is already committed by the previous passage of substantive legislation." Heller does not explain what is inherently good in these relations among totals or how they would be used. He suggests creation of a policy committee (which he also calls a "management committee" and a "planning committee") to furnish a mechanism for the coördination of fiscal affairs.

[9] The Legislative Reorganization Act of 1946 (Public Law 601, 79th Cong., 2nd Sess.) did actually require Congress to establish, not later than Feb. 15, a maximum for the year's appropriations. According to the *New York Times* of Nov. 27, 1948, Representative Clarence Cannon will press for repeal of this "futile gesture" in the 81st Congress. For an account of this experience, see Avery Leiserson, "Coördination of Federal Budgetary and Appropriations Procedures Under the Legislative Reorganization Act of 1946," *National Tax Journal*, Vol. 1 (June, 1948), pp. 118–126.

[10] Verne B. Lewis (*Budgetary Administration in the United States Department of Agriculture*, Public Administration Service, Chicago, 1941, p. 55) says that many Washington budget officers favor putting appropriations on a biennial basis to relieve "hard-pressed administrators and congressmen" and to allow for more careful review of proposals. These are the wrong reasons, of course. The traditional nature of the twelve-month period for budgeting is revealed in Harvey S. Perloff's study, "Budgetary Symbolism," *Public Policy*, Vol. II (1941).

[11] *Chicago Sun-Times*, Aug. 16, 1948.

most desirable allocation of resources among alternative uses and that, therefore, what is needed is a comprehensive perspective of the possible uses, viewed in the dimension of time as well as of volume, and the deliberate, reflective assignment of priorities to the various uses in accordance with controlling social purposes. In short, it is curious that no one has suggested that congressional spending be carried on *according to a plan.*

There are, of course, some serious objections that can be raised against a proposal for putting federal spending on a reasonable basis; this is so, even if it is admitted at once that it is only "functional rationality" that may be looked for—that at the far end of the means-ends chain, in the direction of the ultimate ends, reason is of no use.[12] Even with this qualification, many questions remain. The number of uses to which funds might conceivably be put is probably infinite; how, then, is it possible to take a comprehensive perspective of the possible uses? How can a democracy make deliberate, reflective assignment of priorities except by the irrational process of competing pressures—by the play of power politics? How are controlling social purposes to be defined and identified and, especially, how is planning to proceed in those areas of national life where public opinion is in rapid flux or where it is characterized by inconsistencies and by deep conflicts? How is the dynamic process of social and political life to be reduced to static form (the plan) without at once losing its meaningful sweep and direction? How is the impact of unknown and unknowable factors (a cold war and the future of atomic power) to be taken into account? If these difficulties are not enough, we may add a final one by asking: If the activities of the federal government are too fantastically complex to be comprehended by a large congressional staff, are they not also too complex to be comprehended by a large staff of planners?

It must be admitted at once that no full or final answers can be given to any of these questions. Answers of a kind satisfying to the theorist must wait, one suspects, until practical people have somehow solved their practical problems and moved on up ahead to new and more puzzling ones; only then will it be possible to produce an entirely satisfactory explanation of what has happened. Nevertheless, it is possible to offer some tentative and partial answers to these questions and to suggest some approaches leading in the direction of greater functional rationality. The experience of the city planning movement and of scientific management in industry have already yielded some techniques and concepts of wide applicability, and there have, of course, been valuable contributions to planning theory from other sources.

It is true that we cannot plan where there is conflict over goals, and it is true, too, that in our society conflicts are both numerous and important. It seems now, as it did to De Tocqueville, "as if human opinions were reduced to a sort of intellectual dust, scattered on every side, unable to collect, unable to

[12] According to Karl Mannheim, a series of actions is functionally rational if it is "organized in such a way that it leads to a previously defined goal, every element in this series of actions receiving a functional position and rôle." (*Man and Society in an Age of Reconstruction*, New York, 1948, p. 53.) See Herbert Simon's discussion of fact and value, means and ends, in relation to rationality in *Administrative Behavior* (New York, 1948).

cohere. . . . "[13] Nevertheless, we may hope that the time is not far off when the old notions of individualism will have given way to a more workable conception of man and society and, in the meantime, we may take certain practical measures to resolve political conflicts by political means, as, for example, the organizing of our political institutions so that the majority may rule. That it is feasible to resolve political conflicts, creating thereby larger fields for technical (rational) action, may be seen in the example of municipal government in the United States: now that the public utility franchises have all been let, the profits all made, and the utilities returned to public ownership, city government has become an undramatic technical matter which can safely be left to the experts. For the present, however, we must confine rational procedures to the areas to which they are appropriate, seeking meanwhile to enlarge these areas as rapidly as possible. This is an important limitation.

While it is impossible to consider *all* possible alternative uses for funds, it is only common sense to consider *as many as possible* and to consider them, *so far as possible*, in relation to each other and to future needs and expectations. There is no strictly scientific basis upon which a system of social priorities can be arranged, and yet it is possible to be *more or less* systematic in reaching social decisions. Which should receive greater emphasis, schools or hospitals? The question cannot be answered without reference to a scheme of values, but it is possible to be more or less orderly in procedure for discovering what are the values of the group, and it is possible, too, to measure and compare such objective conditions as, for example, the rates of tuberculosis and of child delinquency. When adequate standards and units of measure have been created by research, a system of social accounting may be developed which will reveal the probable costs and returns of alternative undertakings with great exactitude. The difficulty of determining where the social preference lies may then seem much less real than at present; a very large number of decisions will be made routinely, and for those that cannot be routinized the institutional apparatus for discovering public opinion may be much improved. In any case, the real question is not whether it is possible to be "scientific" in choosing between a hospital and a school. The choice will be made anyway. The real question, therefore, is whether it is to be made with more or less information, with more or less reflection, with more or less rationality.[14]

[13] *Democracy in America* (Knopf ed.), Vol. II, p. 7.

[14] On this question, Pendleton Herring has written: "If any scientific adjustment of interests is impossible, we can at least strive for a clear view of the alternatives before us. Officials can be made to offer a program. Means can be provided for weighing the merits of different demands. . . . What administrative devices or institutional changes will encourage this approach?" ("The Politics of Fiscal Policy," *Yale Law Journal*, Vol. 47 [1938], p. 739.) Research into such questions will aid greatly in advancing planning theory and practice. For examples of research along three different lines (establishment of work units and standards, development of economic criteria for public spending, and definition of goals) which converge on these problems, see Clarence E. Ridley and Herbert A. Simon, *Measuring Municipal Activities* (International City Managers' Association, Chicago, 1943); Arthur C. Bunce, *The Economics of Soil Conservation* (Ames, 1942, Chaps. VIII–X); and Alva Myrdal, *Nation and Family* (London, 1947, Chap. VII).

As for the charge that the planner cannot foresee wars, the impact of atomic power, and other such unknowable and emergent factors, why, it is true—and certainly planning suffers from this lack of omniscience. But this is not to say that it is futile to form some conception of the future as we would have it and as we would try to make it. Moreover, the partial and fallible nature of the planning process becomes a somewhat less serious matter for budget-making purposes when it is realized that the plan is not intended as a prediction, that it is not in the least static, and that the alternative to planning is, presumably, the absence of foresight.

The planner, like the politician, works with the prudential and the contingent, but his technique, unlike that of the politician, takes advantage of the exact methods of science wherever they are useful to his purpose. Whatever its scope, city or nation, the approach of planning is the same in principle.[15] It begins by creating at some specified future time (say forty years) a concept of the whole as it ought to appear (the tests are feasibility, acceptability, and amenability). Present trends are projected into the future by the most exact available techniques of measurement and forecasting. There are errors in the projection, of course, and continual correction and refinement are necessary as the reality emerges from the future. Nevertheless, the projection is serviceable within certain limits. Measured against the goals (the feasible, acceptable, amenable organic conception of the future), the present trends are evaluated and, if necessary and feasible, altered at their sources to accord with the requirements of the future. The whole structure of goals and of methods of attaining goals is expressed in a Development Plan (in city planning the term is Master Plan) which includes time-volume measures (budgets), space measures (maps), and outlines of ways to proceed. The Development Plan is a guide to decision-making.

Here it is necessary to emphasize that the plan is no more than a working model of the future as it appears at the present moment. The plan is always in process of revision in the light of new knowledge, new circumstances, new needs and wants. Its function is not to portray the shape of things to come, but merely, as a partially tested hypothesis, to give direction to decisions made from day to day and year to year.

With planning of this kind, the annual budget of the Forest Service (by way of illustration) would not be based on the appropriations of the year before nor on the Chief Forester's reading of the subcommittee's mood. The annual forest budget would be the first year of a six-year financial program which, in turn, would be a part of the longer-term Development Plan. The Development Plan would include (for example) estimates of the timber requirements of the future and, on the basis of these estimates, the measures to be taken to bring about the needed production.[16] The goals and methods for timber production would

[15] See R. G. Tugwell, "The Study of Planning as a Scientific Endeavor." *Fiftieth Annual Report of the Michigan Academy of Science, Arts, and Letters*, 1948, pp. 34–48. The writer owes much to this and other (unpublished) work by Mr. Tugwell.

[16] The feasibility of this kind of planning can readily be seen from some of the studies which have been made by the Forest Service. See the several reports under the general

be carefully articulated with those for grazing, watershed protection, and recreation; thus the forestry section of the development plan would be organic in form. At the same time, the forestry section would be part of the larger organism—the national development plan in its entirety. In perspective, forestry would be a detail of a large structure, but a detail functionally related to the whole.

In the main, planning would be done by the agencies that would carry out the plans. This would be necessary because the federal government's activities are so ramified as to be beyond the detailed comprehension of a staff of experts, however large, and for the reason that planning, by its very nature, is not entirely separable from doing. The great mass of detailed planning, then, would be carried on within the executive agencies much as the budgeting function (which is of course a rudimentary form of planning, even in its present state) is now carried on. The planning of the agencies would be guided and directed by a Central Planning Agency (much as their budgeting is now guided and directed by the Bureau of the Budget), and the Central Planning Agency would itself assume responsibility for the preparation of detailed plans in matters not under the purview of an existing agency, for the integration of all elements into the whole, for the testing of the feasibility, acceptability, and amenability of the whole, the approval of important changes in the main elements of the structure, and the preparation from the plan of a capital improvement budget

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title "A Reappraisal of the Forest Situation," particularly Report 1, *Gaging the Timber Resources of the United States* (1946), and Report 2, *Potential Requirements for Timber Products in the United States* (1946). Of course the value of such planning is severely limited by the fact that there is no comprehensive national development plan. It is possible to judge from these plans how funds may best be spent on forestry, but it is not possible to judge among forestry and other competing purposes such as, for example, soil conservation or the building of additional prisons.

The use of its "long-range program" has been described by the chief of the Forest Service (R. E. Marsh, acting) in a letter (June 10, 1948) to the writer as follows:

"This program in reality constitutes a set of bench marks, a framework for the general guidance of detailed resource management, and of operational plans that are formulated by the operating arms of the Forest Service. It also serves to weld the Forest Service together as an organization in a common understanding of the basic problems and the line of action needed for their solution. It aids in an understanding of and adherence to basic policy. It is a guide for the frequent public statements by officials of the Forest Service with respect to needed action. It helps to orient our recommendations with regard to basic legislation. . . . Operational planning is keyed to long-term objectives largely through annual plans of work. The annual plans must consider available finances in relation to work priorities. The annual plan of work stresses certain program objectives for the current year. Our estimates of financial needs for carrying out recurrent work programs in the National Forests are based on measured work loads. The major activities are broken down into specific jobs; standards of performance are set for the jobs; and a unit time allowance determined for handling the job in an efficient manner. This unit time allowance multiplied by the number of times the job is repeated (volume of business), and in turn converted into dollars, forms the basis for financial estimates. Inasmuch as funds are inadequate to handle the full analyzed job load, priorities must be set in annual plans. . . . A plan for non-recurrent developmental projects such as reforestation, road construction, etc., is also prepared for each National Forest and drawn from as funds become available."

and an annual operating budget. To these tasks the Central Planning Agency would have to bring a moral authority unprecedented except in the case of the Supreme Court.

Congress, it is safe to say, would have to leave the mechanics of plan-making to the agencies qualified for that function. The rôle of Congress would be to lay down the basic structure of value judgments upon which the plan would be reared; to debate and criticize the plan, and to suggest changes in it. But the plan would not have the force of law (if the practice of cities were followed), and so Congress would not have occasion to pass upon it or to modify it by direct action. Congress' specific power would be over expenditures made under the plan. Each year there would be presented to Congress a six-year financial program drawn up to implement the development plan.[17] The six-year program would reveal the details of the proposed development over that period, but Congress would be called upon to authorize only the first year's expenditures, and in this its power would be limited to the acceptance or rejection of whole titles. The remaining five years would be debated and criticized in the light of the Development Plan and of progress already made against the plan under previous appropriations. The following year, the six-year program would have been revised in the light of this criticism, both the first of the six years (which Congress would be asked to authorize) and the remaining five.

The plan would make it possible to evaluate the results of previous expenditures on a systematic basis. The planning agency would report the actual accomplishment in terms of the planned goals. It would account for failures to meet the planned objectives, and it would point to action taken (either in the administration of the programs or in the plan) to remedy the situation. It need hardly be pointed out that Congress can never get a meaningful view of accomplishment except in relation to objective standards such as can be provided only by planning. In looking back, as in looking forward, perspective consists in establishing relationships between what exists and what ought to exist. The plan is the yardstick by which accomplishment can be measured.

James Mill called the principle of representation "the grand discovery of modern times," because it was a device by which the people could control and direct a national government. Planning is another such discovery, one urgently

[17] An example of such a procedure is to be found in Puerto Rico. *The Fourth Six-Year Financial Program for the Fiscal Years 1947–1948 to 1952–1953*, submitted by the Puerto Rico Planning, Urbanizing, and Zoning Board to the 16th Legislature of Puerto Rico, March, 1947, contains income and expenditure estimates on this basis. From this budget the Puerto Rican legislators could see, for example (p. 50), that the total anticipated cost of improvements (itemized separately from construction) to first-class (itemized separately from second-class and municipal) insular roads was $36,156,000. Of this, $2,017,000 had been authorized by June 30, 1947, the start of the six-year period. The proposed expenditure for each of the six years was then given, followed by the estimate of the total that would be required to complete the planned improvements *after* the six-year period. Each year's items were broken down to show the anticipated source of funds: "general," "special," or "federal." The example of New York City is also relevant. For an account of this, see R. G. Tugwell, "Implementing the General Interest," *Public Administration Review*, Vol. 1 (Autumn, 1940).

needed now that government has become so vast, intricate, and pervasive. For it is only by seeing wholes and by seeing them in the perspective of what we wish the future to become, in short, by seeing a plan, that the people or the people's representatives can control and direct modern government. Congress, so long as it represents local interests, will struggle against the general interest and therefore against planning. This is a matter for profound concern, and yet one can hardly doubt that a democratic society will avail itself of techniques for controlling and directing the great mass and weight of modern government and that, by so doing, it will give a broader and more vital meaning to government by the people. For the citizens of a democracy especially, knowledge is power.

LOSS OF CITIZENSHIP AND CIVIL RIGHTS FOR CONVICTION OF CRIME

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An erroneous impression appears to exist among certain people in the United States that if a person is convicted of a crime by a court of competent jurisdiction, he immediately and automatically loses his citizenship. It is apparently believed that when a citizen is convicted of a felony or a crime involving moral turpitude in either a state or national court, the person is no longer a citizen, and can never enjoy any of the rights or privileges of American citizenship for the rest of his natural life.[1] A search of standard textbooks on American government will disclose that if the matter of the loss of citizenship or of civil rights for the conviction of crime is discussed at all, the author or authors will dismiss the topic by making the statement that citizens of the United States do not lose their citizenship for the conviction of crime; and the authors usually add that this fact is contrary to popular impression.[2]

The Fourteenth Amendment to the Constitution defines citizenship by stating that all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state in which they reside. The procedure required for a person to become a citizen by naturalization is one for Congress to determine by law, and Congress has passed legislation governing it. On the other hand, the Constitution does not contain a statement providing for the loss of citizenship or expatriation in any form, whether by voluntary or involuntary act on the part of the citizen. The entire matter of the loss of citizenship is likewise one for Congress to determine by law. Congress has said through appropriate legislation that a person who is a

[1] The writer is not certain how widespread this idea is, but he has heard it expressed in his classes by many students for a number of years.

[2] See the excellent article by Alexander Holtzoff, "Loss of Civil Rights by Conviction of Crime," *Federal Probation*, Vol. 6, p. 18 (Apr.–June, 1942).

citizen, whether natural-born or naturalized, may lose his citizenship upon conviction of designated crimes in a court of law.

An essential part of the definition of citizenship found in the Fourteenth Amendment is that each person who is a citizen of the United States is at the same time a citizen of the state in which he resides. It is possible, however, for a person to be a citizen of the United States, but not at the same time a citizen of a state. In other words, a person does not necessarily have a dual citizenship, national and state. He may be a citizen of the United States, but not a citizen of one of the states, under the following circumstances: (1) American citizens who have a legal residence in the District of Columbia, (2) American citizens who have a legal residence abroad or outside of the United States, (3) American citizens who have left a state and who have not lived long enough in another state to have acquired citizenship status in that state, and (4) American citizens who have never acquired state citizenship because of travel or other reasons. Likewise, citizenship has been conferred by Congress upon persons living in certain of the American territorial possessions, and these persons are not citizens of one of the states of the Union.

On the other hand, persons who are citizens of the states are citizens of the United States. It is, perhaps, possible for states to grant citizenship to persons who would not at the same time acquire national citizenship,[3] but it is doubtful whether any state has ever made a group of persons citizens of that state. Even though this were done, such persons would not acquire national citizenship by the act of a state, because Congress alone determines who may become citizens through naturalization.[4] It should be pointed out that Congress has no authority to prevent a state from granting state citizenship to persons within the state, and neither could Congress determine the rights and privileges granted such people by a state. It is true that some states grant certain privileges to persons who live within the state, such as voting in local elections; but this does not mean that the state has granted state citizenship to these persons, and it definitely does not mean that these persons are made citizens of the United States. With the exception of the constitutional provision already considered, neither the national government nor the states may determine who are citizens of the other jurisdiction, nor what rights and privileges persons enjoy as citizens of such. Likewise, neither the national government nor a state may take away citizenship which has been granted to a person by the other. Thus, the United

[3] "Although a state by virtue of its sovereignty may, within its own limits, confer citizenship, yet persons so admitted to citizenship do not thereby become citizens of the United States, where according to United States law they are disqualified, as formerly was the case of members of the African race, from receiving it." Mitchell v. Wells. 37 Miss. 235; Minneapolis v. Remn, 56 Fed. 576.

[4] "A state cannot make an alien a citizen of the United States. This can be done only in the manner prescribed by the naturalization laws of Congress. Hence the state of Minnesota did not confer United States citizenship on an alien who had declared his intention to become a citizen by permitting him to vote at state elections and to hold office." Lanz v. Randall, 4 Dill. (U. S.) 425; 14 Fed. Cases No. 8,080; 14 Alb. L. J. 363. See also *In re* Wehlitz, 16 Wis. 443, 84 Amer., 700.

States government has no jurisdiction over the question of who are citizens of states, except those who automatically become state citizens by becoming citizens of the United States; and state governments may not determine who are citizens of the United States.

Within narrow limits, Congress has prescribed that a person who is a citizen of the United States may lose that status by an act on his part or as the result of conviction of crime in a national court. Thus it has said that a person may lose his status as a citizen of the United States for conviction of two, but only two, specified crimes. The first of these is desertion from the Army or Navy in time of war; and the law reads as follows: "*General Means of Losing United States Nationality:* Deserting the military or naval service of the United States in time of war, provided he is convicted thereof by a court martial."[5]

Interpretation of the laws of Congress regarding the loss of citizenship for conviction of the crime of desertion has been primarily by the state courts. States grant certain privileges to their own citizens with the stipulation that the persons to whom the privileges apply shall be citizens of the United States. The courts have consistently upheld the constitutionality of the laws of Congress for the loss of citizenship for conviction of the crime of desertion, and the state courts have denied state privileges to these persons because they had lost their national citizenship.[6]

[5] United States Code (1940 ed), title 8, sec. 801(g). This is in general conformity with the law passed after the Civil War; and it reads: "All persons who deserted the military or naval services of the United States and did not return thereto or report themselves to a provost marshal within the sixty days after the issuance of the proclamation by the President, dated March 11, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States or of exercising any rights of citizens thereof. No soldier or sailor, however, who faithfully served according to his enlistment until April 19, 1865, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date, shall be held to be a deserter from the Army or Navy; and this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred by the loss of citizenship, and of the right to hold office in consequence of his desertion." United States Code (1934 ed.), title 8, sec. 12.

The law was changed in 1912 to read as follows: "Every person who deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service lawfully ordered, shall be liable to all the penalties and forfeitures of section 12 of this title. The provisions of this section and said section 12 shall not apply to any person deserting the military or naval service of the United States in time of peace. The loss of rights of citizenship prior to August 12, 1912, imposed by law upon deserters from the military or naval service may be mitigated or remitted by the President where the offense was committed in times of peace and where the exercise of such clemency will not be prejudicial to the public interest. U. S. Code (1934 ed.), title 8, sec. 11.

[6] The act of Congress approved March 3, 1865, providing additional penalties for the crime of desertion from military and naval service, including loss of citizenship, is not unconstitutional. It is not ex post facto, nor a bill of attainder. But before inspectors of elections can refuse to receive a vote on this ground it must be shown that the prospective voter has been duly convicted by a court of competent jurisdiction. Gotchens v. Matheson, 58 Barb. (N. Y.); Severance v. Healy, 50 N. H. 448.

One of the leading cases involving the power of Congress to deny citizenship for conviction of the crime of desertion was Huber v. Reily.[7] In delivering his opinion in this case, Justice Strong cited cases as precedents for the opinion of the court and went into the history of the acts of Congress punishing for desertion. He pointed out that Congress by law abolished punishment by death for desertion in 1830; that corporal punishment by stripes was abolished by act of May 12, 1812; and that Congress in 1865 provided for forfeiture of citizenship after conviction by a court martial. In this case, Huber, an admitted deserter, maintained that since the constitution of Pennsylvania provided that only citizens of the United States might vote, Congress was attempting to regulate voting in Pennsylvania—obviously a state matter. This argument was not accepted by the court. On the contrary, the judge upheld the power of Congress, saying that Congress was not attempting to prescribe the qualifications of voters because the act made no fundamental change in the organic law of the state. The state still had the right to confer suffrage, and after a person had been convicted under a law of Congress and lost his citizenship thereby, the state could determine whether he remained eligible to exercise the franchise. Judge Strong concluded by observing: "The enactment operates upon an individual offender, punishes him for violation of the federal law by deprivation of his citizenship, but it leaves each state to determine for itself whether such an individual may be a voter. It does no more than increase the penalties of the law upon the commission of crime. Each state defines for itself what shall be the consequences of the infliction of such penalties. And with us, it is still our constitution which restricts the right of suffrage and confers it upon only those who are inhabitants of the state and citizens of the United States."[8]

The second crime for conviction of which in a court of competent jurisdiction a person may lose his citizenship according to law of Congress is treason. The law reads as follows: "*General Means of Losing United States Nationality:* Committing any act of treason against, or attempting by force or bearing arms against the United States, provided he is convicted thereof by a court martial or by a court of competent jurisdiction."[9]

Few cases of treason have gone to the federal courts, and for the first time in history a case of treason was reviewed by the Supreme Court in 1945.[10] In

[7] 53 Pa. St. Rep. 112 (1866).

[8] *Ibid.*, p. 116.

[9] U. S. Code (1940 ed.), title 8, sec. 801(h). This law adds loss of citizenship to an earlier law which provided: "Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason.

"Whoever is convicted of treason shall suffer death; or, at the discretion of the court, shall be imprisoned not less than five years and fined not less than $10,000, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States." U. S. Code (1940 ed.), title 18, secs. 1, 2.

[10] Cramer v. United States, 325 U. S. 1 (1945). For a discussion of this case, see R. E. Cushman, "Constitutional Law in 1944–45," in this REVIEW, Vol. 40, p. 236 ff (Apr., 1946).

this case, no question arose concerning loss of citizenship by the person involved as a result of conviction of the crime of treason, and the power and authority of Congress to provide for such punishment was not questioned. In an earlier case, the Supreme Court upheld the right of a court martial to try a case of treason,[11] but again no question arose concerning the right of Congress to declare that a person so convicted should lose his citizenship as a result of such conviction. The lower federal courts have heard some cases which dealt with the matter of treason, and in a recent case a district court found a person guilty and imprisoned and fined him for treasonable activity during World War II. Again, the question of the right of Congress to punish for treason was not questioned, and the matter of citizenship was not discussed. But it is to be taken for granted that the convicted person lost his citizenship, because present law provides that this penalty shall be a part of the punishment as a result of conviction.[12]

In addition to legislating on the loss of citizenship for the conviction of crime considered of a nature sufficiently serious, Congress has determined that designated civil rights shall be lost for the conviction of crime by a court of competent jurisdiction. Again, it should be pointed out that the civil rights denied to a person convicted of the crimes listed by Congress are the rights granted by the national government itself and do not include those granted by states to their own citizens. The recent case of Mayor Curley of Boston is one in point. Mayor Curley was convicted in a national court and served a sentence in a national prison as the result of his conviction. While in prison, he not only retained his office as mayor of the city of Boston, but continued to draw his salary.[13] When his sentence was commuted by the President of the United States, he actively resumed his office of mayor. Since Massachusetts did not disbar him from holding his city office and drawing his salary while in a national prison, national law could not deprive him of this civil right granted by the state. The power of Congress is limited to those civil rights granted by the national government, and the states by their own laws determine the civil rights of their own citizens.

[11] *Ex parte* Quirin, 317 U. S. 1 (1942). For a note on this case, see Cushman in *ibid.*, Vol. 36, p. 1082 (Apr., 1942).

[12] In this case, Douglas Chandler was convicted as a traitor to the United States for broadcasting Nazi propaganda from Berlin during the war. He was sentenced to life imprisonment and given a fine of $10,000 by Federal District Judge Francis J. W. Ford. For a report of the case, see *New York Times*, July 1, 1947, p. 1. United States v. Chandler, 72 F. Supp. 230; reported in *American Journal of International Law*, Vol. 42, p. 223 (Jan., 1948). See also the case of Robert H. Best, an American newspaper man who remained in Germany to broadcast Nazi propaganda during the war. He was convicted of treason in the same court as Chandler. For a report of this case, see *New York Times*, Apr. 17, 1948, p. 7.

[13] Under terms of the special act of the legislature, the interim mayor, John L. Hynes, was to serve until Mr. Curley resumed office. The act provided that Mr. Curley retain the title of mayor and the salary of $20,000, and that Mr. Hynes, assuming the duties and powers, should be paid at the same rate. *New York Times*, Nov. 27, 1947, p. 35.

A person may enjoy many civil rights under the constitution of the United States or the laws of Congress, or both. No attempt will be made to enumerate them here,[14] but only those civil rights which have been restricted or denied will be considered. Congress has said by law that a person's right to be employed by the United States, or any department or agency, including any corporation the stock of which is wholly owned by the United States, shall be denied to any person during the five years next following his conviction of designated crimes.[15] One of the very severe penalties which Congress imposes is the denial to a person after conviction of specified crimes of eligibility for holding any office of honor, profit, or trust created by the constitution or the laws of the United States.[16] It is seemingly the will of Congress for the citizens of the United States to retain their other civil rights even though they have been convicted of crime in a national court. It should again be stressed that the loss of these civil rights does not apply to citizens of the United States who have been convicted in a state court for the violation of state laws.

It is now in order to consider the conditions under which the citizenship or the civil rights which a person loses as a result of conviction of crime in a court of competent jurisdiction may be restored to him.[17] The President has the power to pardon persons who have been convicted of crime in the national courts of law; and in numerous cases the Supreme Court has considered this presidential right. The Court has found that the power to pardon is vested exclusively in the President, and has ruled that a pardon may operate to restore the citizenship of a person, to restore the civil rights of a person, and to forgive the sentence of a person who has been convicted of crime. In one of the leading cases, the Court held that a pardon by the President wiped out all penalties imposed and that the full citizenship and civil rights of the convicted man were restored. Speaking for the Court in this case, Mr. Justice Field said: "The power thus conferred is unlimited. . . . It extends to every offense known to law and may

[14] See the list enumerated in the Slaughter-House Cases, 16 Wall. 36 (1873); the Civil Rights Cases, 109 U. S. 3 (1883); Twining v. New Jersey, 211 U. S. 78 (1908).

[15] The list of these crimes, as found in the U. S. Code, is as follows: Sec. 9: Subversive activity; undermining loyalty, discipline, or morale of the armed forces; Sec. 10: Advocating the overthrow of government by force; Sec. 11: Attempting or conspiring to commit prohibited acts; Sec. 12: Searches and seizures.

[16] The list of these crimes is as follows: Sec. 19: Conspiracy to injure persons in the exercise of their civil rights; Sec. 55: Unlawful presence of troops at polls; Sec. 56: Intimidation of voters by officers or other persons of the Army or Navy; Sec. 57: Army or Navy officers prescribing qualifications of voters; Sec. 58: Interfering with election officers by officers or other persons of the Army or Navy; Sec. 192: Trading in public property by collecting or disbursing officer; Sec. 199: Accepting bribe by member of Congress; Sec. 202: Member of Congress taking consideration for procuring contract; Sec. 203: Receiving pay by member of Congress in matters affecting the United States; Sec. 207: Official accepting bribe; Sec. 235: Destroying records by officer in charge; Sec. 237: Bribery of judicial officer; Sec. 352: Illegally approving bond.

[17] See the excellent article by Everett S. Brown, "The Restoration of Civil and Political Rights by Presidential Pardon," in this REVIEW, Vol. 34, pp. 295–300 (Apr., 1940).

be exercised at any time after its commission, either before legal proceedings are taken, or during their pendency, or after conviction and judgment. The power of the President is not subject to legislative control."[18]

In another important case decided by the Supreme Court, the power of the President to pardon, and thereby to restore rights which had been taken from the convicted man, was upheld. The case arose out of the conditions of the Civil War. A man by the name of Padelford lived in the South, but took no part in the war and gave the Southern States no aid or comfort. The President issued a proclamation of pardon to the effect that any person who took an oath that he had given no aid or comfort to the Southern states might have his civil rights restored and property returned which had been captured by the United States Army. Padelford took the oath required, and the Court ordered all rights, including property, restored to him.[19]

Thus it may be seen that the President has authority to restore to persons their citizenship, their civil rights, and their property rights which have been lost for conviction of crime—citizenship and rights of national origin. In cases where a state by law requires that a person shall be a citizen of the United States in order to enjoy certain rights granted by the state, the effect of a pardon issued by the President is to restore his citizenship, and he may enjoy those rights granted by the state to citizens of the United States. Likewise, a state may by law determine that a person who has been convicted of crime by a national court shall lose certain of his civil rights within the state; and the effect of a presidential pardon may be to restore such rights. On the other hand, a state may by law forbid such restoration.

[18] *Ex parte* Garland, 4 Wall. 333, 380 (1867). This decision was in conformity with the attitude of Attorney-General J. S. Black, who gave an opinion to Secretary of State Cass on September 22, 1860, saying:"In reply to your note accompanying the letter of W. Dunbar, Esquire, commissioner of the United States for the northern district of Ohio, I have to say that a person convicted of an offense against the laws of the United States, which disfranchises him as a citizen, can be restored to all the rights which he had before conviction by a full and free pardon from the President of the United States. Such pardon may be given after he has suffered the other penalties incident to his conviction, as well as before." 9 *Opinions of the Attorney-General*, 478.

[19] United States v. Padelford, 9 Wall. 531 (1869). On the other hand, a court may restore citizenship to those persons who renounced it while in a segregation center. On April 19, 1948, Federal Judge Louis E. Goodman, of San Francisco, ordered United States citizenship restored to about 2,700 West Coast wartime evacuees of Japanese descent who had signed statements of renunciation while they were detained at Tule Lake, California. In his opinion, Judge Goodman criticized the United States for accepting the renunciations of citizenship, holding that "even expediency" could not remove "the taint of unfairness with which the renunciations, subsequently executed, were clothed" and that the government "under the stress of necessity of national defense" had "committed error" in accepting the renunciations. *New York Times*, Apr. 30, 1948, p. 16.

PRACTICAL POLITICS

RUNNING FOR THE CITY COUNCIL: A CASE STUDY

ARTHUR W. BROMAGE
University of Michigan

"So you want to be a politician," my friend said, with a slight lift to the eyebrows. Others wanted to know what the goal was. Running for alderman in ward politics and a partisan campaign must be a training ground for some coveted objective in the state legislature or Congress. You don't just want to be an *alderman*, some queried. "Starting pretty low down," was another leading remark. All these and many more comments intrigued me, for they spelled out something or other about the prestige of local government in a day of Big Government at the federal level, or any level other than a municipality of 40,000 population. My answer to all this was that, after twenty years of residence in one community, a professor of municipal government could hardly avoid grubbing around in politics at the level of local self-government. I hoped to become an alderman—period.

I soon learned to parry the pleasant "hazing" remarks made to all prospective ward "politicians." "Kissed any babies today, Alderman?" "Where are the cigars?" "How's ward-heeling today?" "I'll vote for you, if—." "How is door-bell ringing?" Most of these remarks prompted the *unspoken* remark: "When you say those words, sir, smile." You will notice that I said *unspoken*. Inward reactions one soon learns to mask behind an attentive manner and friendly smile—not enough of a smile to be silly, but just enough to be "hail fellow, well met" in an unobtrusive manner. After all, I am a professor, and back-slapping comes unnaturally and would be regarded as an "obvious" campaign technique.

Let us go back to: "I will vote for you, if—." As a student of public administration, I had imagined that the "issues" would be related to the budget, governmental structure, administrative procedures, problems in the broad sense of service levels in relation to costs. I soon discovered that "if" led to other matters such as "if" you can do something about: a barking dog in a neighborhood; a gully where people throw bottles; a neighbor who burns garbage; a street defect, or shall I say several rough spots; a long wait to vote on election day; a favorable attitude toward a forthcoming school bond referendum; a new United States postal substation; a corner where sewage sometimes backs into a few basements in the spring; a better water pressure; a broken curb; a youth recreation center; better snow removal and ice control; a traffic control light. I will not bore you with other obvious needs for more services and less taxes. The list is intended to be illustrative. Some of these suggestions were advanced apparently not in dead- but in half-earnest, as though they had been said many times before.

Friends circulated the petitions to place my name in the Republican primary. The petitions had to be signed by not more than four and not less than one per

cent of the vote cast in Ward 6 for state secretary of state in the preceding general election. In one sense, I was *drafted*, although willingly so. An incumbent alderman was retiring at the end of two two-year terms, so the field was open to dark horses and light horses. The time schedule was as follows: January 3, 1949—last date for filing nominating petitions; February 21—primary; April 4—general election. My petitions were filed on December 13, so the inactive and the active campaign spanned almost four months and entailed a time expenditure equivalent to two working, seventy-hour weeks by any man's computation. Before I say more about the primary and the election, a word or two on the structural side.

Ann Arbor has a time-worn, special-act charter with home-rule amendments. It is a weak-mayor-and-council city with a ward-representative council. Nomination and election are partisan. The primary is an "open" one without enrollment or challenge. Each of seven wards elects one alderman each year for a two-year term. This makes fourteen aldermen, and the president of the common council, elected at large by partisan ballot, brings the total membership to fifteen. Ward 5 (north side) has currently about 600 registered voters and Ward 7 (southeast) has approximately 6,000, for the city has grown to the south. Ward 6 is east-side, and has some 2,200 registered electors. (That sounds easy on paper, but just try to get in touch with them.) The total registration for the city is over 18,000. The common council has an elaborate committee system, and administrative structure is marked by boards and commissions dealing, for example, with police, fire, public works, public health, parks, and water supply. Mayoral appointments are subject to confirmation by the council. It would take a long time to describe the structure and much more to evaluate the results. Now back to the campaign—our primary concern here.

Did I say primary? You can see how much that word was and still is on my mind! Petitions for Bromage were filed on December 13, 1948, two days after the Ward 6 incumbent whose term would expire in April announced his intention not to run again. On December 14, petitions were filed for the first woman candidate in Ann Arbor's history—a realtor in Ward 6. Shortly thereafter the grapevine produced rumors that petitions were also being circulated for a prominent Republican business man and for another well-known Republican, a retired University dean of students. On January 3, the deadline, the former dean threw his hefty hat into the ring. The deadline passed with three Republican candidates: Bromage (R_1); the first woman candidate (R_2); and the former dean (R_3). I shall so call them from now on. Meanwhile, the Democrats had filed nominating petitions for a drugstore proprietor whom I shall call D_1. D_1 was automatically nominated, and no Democratic primary was held on February 21.

Ward 6 is one of these two-to-one up to three-to-one Republican wards, so it is not surprising for a Republican contest to develop. But a three-cornered primary fight had not occurred for many years. D_1 could relax while R_{1-2-3} pointed for the objective of February 21. The usual laconic newspaper accounts

had marked the throwing of hats in the ring all around. Now the fight could begin in interest.

Anyone who thinks that you can *stand* for office in this American city must think again. You have to run for nomination, and sprint just before the voters take to the machines. While participation in municipal primaries is light, I am convinced that those who do vote in Ann Arbor cast an eagle eye over the candidates.

R_2 was first in the field with a letter to the voters of Ward 6. This letter was an excellent document. R_2 noted having been born in Ann Arbor and having lived there ever since. Reference was made to membership in the Community Chest Board of Directors, Child Study Club, Woman's Club, Twentieth Century Club, and to offices held therein. Emphasis was placed on broad and valuable business experience gained in her own insurance and real estate office since 1940. An appeal was made to women voters in these terms: "Women have qualified themselves as able, conscientious, trustworthy public officials. The woman's point of view needs to be heard if stereotyped treatment of governmental problems is to be avoided. There is a broad field of service for a woman member of the Common Council." This letter reached many voters during January, 1949, and may be recorded as the opening fire in an intense primary skirmish.

Shortly after R_2 took to the mails, friends of R_1 began to demand that he be more active in campaigning. As one person said to R_1: "You should at least get out a letter showing that you were born and that you are still alive." It was also pointed out that R_3 was active in personal contacts around the ward and had the tactical advantage of being a prominent Republican, a former member of the city council, and a long-time resident of Ward 6.

R_1 was disturbed by these reports of R_3's intense activity and gave much thought to the best technique of making an active campaign. After many false starts, R_1 finally produced the letter which follows:

ARTHUR W. BROMAGE
2300 Vinewood Blvd.
Ann Arbor, Michigan
Telephone 4646

February 7, 1949

Dear———:

I am a candidate for the Republican nomination for Alderman from Ward 6 in the primary, MONDAY, FEBRUARY 21.

My QUALIFICATIONS, for your consideration, are:

1 Active in civic affairs in Ann Arbor for 20 years
2 Consultant in city and county problems since 1928
3 As a Major in the Army of the United States instructed officers in municipal government at Fort Custer, Mich., 1943
4 As Lt. Colonel served overseas in England, France, and Germany, 1944–45, assisting in the administration of devastated cities
5 Made field surveys of English and Irish cities, 1928, 1936, 1939
6 Selected as discussion leader for training courses attended by officials from 15 Michigan cities, 1946–48
7 Specialized in municipal government at the University of Michigan

My PLATFORM is:

1 Continued improvement of public works, particularly water supply and sewage treatment plant expansion
2 City-county health unit
3 More effective police and fire service
4 City-county building, if financially and otherwise possible
5 More community-sponsored, organized recreation for our youth
6 Gradual expansion of boundaries by sensible annexations
7 Protection of the property tax from being an over-burdened work-horse

My PLEDGE follows:

I will support the fulfillment in municipal affairs of the principles of the Constitution of the United States. If nominated and elected, I will work for efficient municipal administration and will coöperate with all citizens for the improvement of Ann Arbor.

Your RESPONSIBILITY is:

If you believe that I am qualified and if you agree with these principles, I shall COUNT on your support among our neighbors and your VOTE ON MONDAY, FEBRUARY 21. The polling place for Ward 6 is located on So. Forest Ave., between Washtenaw and Geddes. The polls will be open from 7 A.M. to 8 P.M. REMEMBER: Bystanders do not count in public administration. Vote early and for your convictions.

Sincerely yours,
ARTHUR W. BROMAGE

This letter will be recognized at once as high-brow and unusual in the statement of a platform, however vague. R_1's defense is that Ward 6 has a considerable percentage, perhaps twenty-five per cent, of University professors, administrators, and doctors. You will surmise that Ward 6 is referred to elsewhere in the city as the "silk-stocking ward," the redoubt of Republicanism, etc.

Where to send the letter and how to campaign? R_1 was an amateur at this and continued to be so throughout the primary. He first built a card file of 100 friends reasonably well-known to himself, his wife, and his daughter. A few of these were asked to help out informally in their own neighborhoods. All of them received a copy of R_1's letter in advance of February 7. To the card file was next added 200 names culled from a six-year-old ward list compiled by a former councilman. This B list was mailed out on February 6. The next 300 names, which we shall call the C list, were picked at random from the street directory—a long and laborious task. Their letters went out on February 7 and 8. By February 10, some 600 copies of R_1's plea for support were circulating.

This was a very unscientific operation. A typist should have been hired to copy the permanent register of voters in Ward 6 at city hall. The letter should have gone to *every* registered voter. However, R_1 was, with his New England background, trying to hold primary costs to $25.00 and was seeking to learn something about the ward by plowing through the street directory. R_1's family rose to the challenge of the card file, the handwritten addresses and signatures, the personal notes, and the government mucilage on the backs of envelopes. For the latter, R_1 acquired a taste and a technique of quick sealing.

R_1's friends told him that he should take a few donations, organize a ward committee, and do this job "right." Being an amateur and a newcomer to the ward, he declined and nearly lost the primary. Who knows? Anyway it was a personal campaign with a lot of misdirected time and energy burned off into

thin air. Aside from the routine demands for more services and low taxes, certain persons demanded that R_1 declare himself on a pending amendment to the zoning ordinance which would exclude fraternities and sororities from the Ann Arbor (single-family) use districts. R_1 delayed while the problem was studied, but finally took a position favorable to the amendment. The city council later failed to muster the necessary majority—after the primary was over.

It was also necessary for R_1 to attend many concerts, lectures, exhibits, and other public gatherings in the hope of meeting and talking to voters. During the period from December 13 to April 4, every request for a speech on city or county problems before any group, however small, was accepted. Every newspaper announcement of a speech or brief note of views expressed was cherished as grist to the mill.

Meanwhile, R_3 was very active, with a committee, a letter, a telephone barrage, and a maze of personal contacts. About the 14th of February, R_3 went to the mails with the following expert campaign document:

"To the Voters of the Sixth Ward:

As a candidate for the nomination for Alderman from the Sixth Ward, I would appreciate your support and vote at the primary election scheduled for Monday, February 21. A brief statement of my qualifications for the position follows:

Immediately after my graduation from the University of Michigan in the College of Engineering, I went back to my home in Ft. Wayne, Indiana, where I was employed first as a special apprentice in the Pennsylvania Railroad Shops, and later in a business concern. After a short residence there, I returned permanently to Ann Arbor as a member of the Engineering Faculty. In later years, I served also as an administrative officer of the University—Dean of Students.

My career with the University was interrupted for a three-year period spent as an officer in the Armed Forces during World War I.

While living in Ft. Wayne, I was elected a member of the City Council. Later on, as a resident of Ann Arbor, I was chosen to represent the Sixth Ward on the Council for two terms—four years. Since then my interest in Ann Arbor City Government has continued, and now that my official duties with the University have ceased, I should like to devote a share of my time in the service of the Sixth Ward and of the City.

I feel that my experience in business, as a member of the City Council in two cities, and as an administrative officer in the University, plus the fact that I have ample time to give to the work, justify me in asking for your VOTE FEBRUARY TWENTY-FIRST.

Sincerely yours,"

By February 17 all the letters were out, and all the issues and personalities were in the fire. Meanwhile, R_2 broke out with the usual election placards (with her photograph) in store windows around the ward. No one resorted to paid advertisements in the local newspaper. No one, to my knowledge, gave away the typical calling-card type of appeal. The door-bell ringing was accomplished indirectly by telephone circuits. Things seemed awfully quiet on February 21 in contrast to the feverish pitch of the preceding weeks. When the machines were opened, the tally was: R_1 223; R_2, 61 and R_3, 210.

About 8:30 P.M. R_1 got the news, when a group of students called with the box score in hand. R_1 had difficulty in accepting this as an established fact and called the city clerk's office for official confirmation. He then destroyed a news-

paper statement prepared in the event of defeat. R_3 soon called to offer his congratulations and best wishes. From then until after midnight, the telephone rang constantly and R_1 got his first chance to thank those politically active friends who had made the campaign possible and pushed it to a successful conclusion.

Reference should be made also to the rôle of the League of Women Voters. The League confronted all primary candidates with a set of questions. These questions and the respective answers were published by the Ann Arbor *News* shortly before the primary. The candidates were asked for their views on: (1) revision of ward boundaries; (2) nonpartisan election of city officials; (3) nonpartisan election of municipal judge; (4) the desirability of a uniform zoning and building code for Washtenaw county, including the cities; (5) a recent ordinance giving veto power to the mayor over parades and public meetings; and (6) the necessity of a careful study of the Ann Arbor charter with a view to changes. In its traditional rôle, the League publicized the views of candidates on issues, but did not support individuals. On February 18, the Ann Arbor *News* also ran pictures and biographical sketches of the candidates in the Republican aldermanic primary for Ward 6.

After the campaign, a few people remarked that due to the open primary, R_1 had been nominated by Republicans plus independent Democrats who had gone to the polls. R_1 declined to comment, but issued a statement urging the Republicans to march forward, after an intense primary fight, to victory on April 4.

The campaign now shifted to the Republican *vs.* the Democratic organization. The April 4 election was state-wide, with the following state offices to be filled: state highway commissioner; superintendent of public instruction; two regents of the University of Michigan; two members of the state board of agriculture; and one member of the state board of education. Ann Arbor's candidates in the city election would appear in the party columns together with the candidates for state offices. R_1 found himself at the bottom, or rather on the extreme right, of the voting machine party column. At the left were the candidates for state offices, followed by those running on the Republican ticket for mayor, president of the common council, clerk, municipal judge, county supervisor for Ward 6, and alderman for Ward 6.

R_1 now shifted to working within the organization. On February 24, he delivered an address to the newly organized Republican Women's Club of Washtenaw county at a luncheon in Ann Arbor attended by some 300 members. Among other things, R_1 said on this occasion: "1. One of the most fundamental operations is to compile a card file of the registered voters in your precinct, ward, or township. . . . It is a basic lesson in democracy, the art of learning who your neighbors are and what they are like. . . . 2. Campaigning is the art of making contacts by individual or mass means. Good political campaigning brings an endless chain of contacts from the candidate to the most active workers, from active to less active workers, and finally to those who only take the time to vote. . . . 3. No election is won until the last *vote* is in; and the last votes, engendered by active workers, may be the margin of victory. . . . 4.

You will never make a good campaigner unless you are willing to ask people to vote for your program and your candidates. . . . 5. A good campaign has depth as well as intensity. . . . It is a build-up from the opening weeks of initial footwork to the final spurt of the closing hours."

R_1 attended the meetings called by the city committee for precinct leaders and candidates. He made every effort to be of service, in a coöperative manner, to the party organization. He dropped personal campaigning and rested his case with the promotion of the state and local slates.

D_1 was active, too, very active, The Democratic party committee got out a throw-away with pictures of state and local candidates. D_1, the Democratic candidate for alderman in Ward 6, had a drugstore strategically located within the ward. His own calling-card type campaign literature with picture, party appeal, and special appeal for support of the Democratic governor was passed from hand to hand and stuck up on store doors and windows. D_1 joined with two other Democratic candidates in a newspaper advertisement. Beyond any question, D_1 was energetic and able in his campaign, although faced with the formidable obstacle of running as a Democrat in a ward which has been traditionally Republican.

R_1 continued to campaign in an informal manner, coöperated with his party organization, and, frankly, expended less effort than that burned up in the primary. The city committee was led by R_3, who had accepted this important campaign post after defeat in the primary. R_3 threw into the city campaign the tremendous vigor and drive which he had demonstrated prior to February 21 in Ward 6. On April 4, the Republicans rolled up their normal victory, electing aldermen from all of the seven wards except Ward 4, which is habitually Democratic. The Republicans likewise piled up victories for the posts of mayor, president of the common council, and clerk. For municipal judge, they advanced no candidate, and the incumbent, a Democrat, was reëlected. The city-wide ratio was more than two to one Republican, and in Ward 6 more than three to one. In Ward 6, R_1 polled 696 and D_1 received 210 votes.

A case study based on one ward of one city can lead to no defensible generalizations. I can remark only that for R_1 it proved that campaigning takes time and energy. I commend it to you. Lose, draw, or win, you will learn much about politics in the ward as a "politician."

R_1 took the oath of office on April 11 and attended his first council meeting one week later. By the night of April 18, he had helped to "make" a law, by voting for two ordinances on final reading: one regulating signs on the top of buildings, and another transferring jurisdiction over minor traffic violations by taxicab drivers from the municipal court to the traffic bureau. He found himself chairman of the council committee on welfare and health and a member of the following committees: budget, parks and cemeteries, public works, ways and means, and public relations. On April 21, budget hearings began. In the struggle to balance the budget in the face of ever-present departmental needs and taxpayer demands for low taxes, R_1 all but forgot the campaign. He was already learning that civic duties performed without salary comprise the lot of the common councilman in Ann Arbor.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

At the University of Chicago, Professor C. Herman Pritchett, during the past year acting chairman of the department of political science, has been appointed chairman.

After serving since 1940 as associate professor and professor of international relations at Columbia University, Professor Grayson L. Kirk has become provost and will act as principal assistant to President Dwight D. Isenhower in coördinating university affairs.

On October 14, Professor James K. Pollock, of the University of Michigan, addressed the New York State Political Science Association on the work of the Hoover Commission, of which he was a member.

Dr. Vernon Van Dyke, located at Yale University during the past several years, is now an associate professor at the State University of Iowa.

Professor Royden J. Dangerfield, of the University of Wisconsin, now on leave while serving as chairman of the academic faculty of the National War College, will return to his post for the second semester.

Professor Lloyd M. Short has accepted appointment as the representative of the University of Minnesota on the board of trustees of the national Center on Education and Social Security. He also has been appointed a member of the Interim Commission on Efficiency and Economy established in 1949 by the legislature of Minnesota.

At the University of Chicago, Professor Leo Strauss gave a series of lectures during the autumn quarter on "Natural Right and History," under the auspices of the Walgreen Foundation.

Professor Quincy Wright, of the University of Chicago, has been elected chairman of the provisional executive committee of the International Political Science Association. He was in Paris for the UNESCO conference on formation of the International Association, and also lectured at Stuttgart, Munich, and Berlin during September under the auspices of Military Government.

President Irvin Stewart, of West Virginia University, was the principal speaker at a forum under the auspices of the Woman's College Student Government Association at Duke University, December 1–3. He discussed student government from the point of view of a university administrator.

On September 1, Mr. John Gange became director of the Woodrow Wilson School of Foreign Affairs and professor of foreign affairs at the University of Virginia.

Professor Morley Ayearst, of New York University, has accepted appointment as director of evening studies in Washington Square College.

At Stanford University, Professor Philip W. Buck, who has returned from a year's sabbatical leave spent in research in England and France, has succeeded Professor Arnaud B. Leavelle as executive head of the department of political science.

At the 51st annual conference of the League of California Cities, held at San Francisco, October 24–26, Professor Robert A. Walker, of Stanford University, led a panel discussion on "The Responsibilities and Problems of Planning Commissions in Carrying Out the Planning Function in Government."

On October 20–22, Professor Leonard D. White, of the University of Chicago, lectured at Wayne University in connection with the special program in public administration arranged for the Volker Fellows. On November 11, he addressed the Southern Political Science Association at Knoxville, Tennessee, on "Political Science: Mid-Century."

Under the auspices of the *Chicago Daily News*, Mr. Phillips Talbot, of the University of Chicago, is on a four-month study tour of India, Pakistan, and the countries of Southeast Asia.

Professor Alfred J. Hotz, formerly of Triple Cities College, Syracuse University, has accepted an associate professorship at Western Reserve University, where he is especially concerned, in collaboration with the Cleveland Council on World Affairs, with developing a new program in citizenship and world affairs leading to the master's degree.

At the University of Wisconsin, the leave of absence of Professor William H. Young has been extended until September, 1950, to permit him to continue as full-time assistant to the governor of the state and director of the state division of administrative analysis.

Professor Ralph K. Huitt, of the University of Texas, has joined the political science staff at the University of Wisconsin in substitution for Professor John T. Salter, on leave in the Philippines this year, and in the second semester will inagurate a course on "The Politics of Private Groups."

At the University of Missouri, where department chairmanships are rotated, Professor Martin L. Faust has been relieved of the duty, with Professor Robert F. Karsch serving as acting chairman during the past summer and Professor John G. Heinberg appointed for the current academic year.

Professor Roy Blough, of the University of Chicago, spent the month of September in Turkey consulting with the Turkish government on problems of taxation.

Dr. M. B. Travis, who taught at Syracuse University last year, has joined the political science staff at Duke University, where he is continuing his work in the field of Latin American relations.

While on leave from Duke University, Professor Richard W. Van Wagenen is serving as visiting associate professor at Columbia University.

During the past summer, Professor Lee S. Greene, of the University of Tennessee, offered courses on the administration of natural-resource conservation at the University of California (Los Angeles).

Mr. William F. Larsen, who has completed the requirements for the doctorate at the University of California (Berkeley), has been appointed assistant professor of political science at The Citadel.

Mr. James K. Coleman received his doctorate in international relations at the University of Chicago in September and has been appointed to an assistant professorship at the University of South Dakota.

At the University of Redlands, Dr. Lester H. Phillips is now director of the division of social science, succeeding Dr. Bernard Hyink, who has become dean of students at the University of Southern California.

Dr. Bronis Kazlauskas, of the Detroit University Schools, Grosse Pointe, Michigan, has accepted an appointment at Wilkes College, Wilkes-Barre, Pa., and will offer courses on international relations and comparative government. He has also recently been elected to membership in the Institute of European Studies, Strasbourg, France.

Mr. A. Freeman Holmer, formerly instructor at New York University, has accepted an assistant professorship at Willamette University, where he will revive work in public administration dormant since 1942.

Dr. James C. Charlesworth, of the University of Pennsylvania, has been named associate editor of *The Annals of the American Academy of Political and Social Science*, beginning November 1.

At Ohio State University, Dr. Dayton E. Heckman and Dr. Louis Nemzer have been advanced to the rank of associate professor, and Dr. David Spitz to the rank of assistant professor.

Dr. Robert F. Cushman, who received his doctorate at Cornell University, has been appointed to an instructorship at Ohio State University.

Mr. John J. Hebal, formerly teaching assistant at UCLA and the University of Alabama, was recently appointed research associate with the Research Council for Economic Security, Chicago, an organization studying social security problems.

At the American University, Dr. Lowell H. Hattery, assistant professor of public administration, has been appointed assistant chairman of the department of public administration.

Dr. Laurence Sears, of Mills College, is serving as visiting professor at the University of California (Berkeley) during the current academic year, offering

work in recent American political thought during the sabbatical leave of Professor Harold Winkler.

The department of political science at the University of California (Berkeley) reports the death of Mr. L. Deming Tilton, lecturer in the field of planning, and former director of planning for the city and county of San Francisco and member of the State Planning Board.

Dr. Elaine Windrich, of Stanford University, has been in charge of Professor Hugh A. Bone's autumn quarter classes at the University of Washington during the latter's visit at Stanford.

Mr. William H. Harbold, who is completing his doctoral dissertation for a Harvard degree, is teaching undergraduate courses in theory at the University of Washington.

Professor Norman D. Palmer, of the University of Pennsylvania, has been appointed chairman of the study groups committee of the World Affairs Council of Philadelphia.

Professor Edgar B. Cale, of the University of Pennsylvania, has been made executive secretary of the Philadelphia Charter Commission.

Professor Charles M. Kneier, of the University of Illinois, has been appointed by Governor Stevenson to the State Police Merit Board, which is responsible for administering the newly established merit system for state highway police.

Professor John A. Vieg, of Pomona College, is one of five persons recently appointed to the committee for social studies proficiency tests administered by the College Entrance Examination Board. The committee reviews the tests prepared by the Board's educational testing service.

The following persons have been added to the faculty of the School of Public Administration at the University of Southern California: Professor John S. Harris, formerly with the University of Cincinnati; Professor William B. Storm, formerly of the University of Chicago; and Professor Donal E. J. MacNamara, formerly with Rutgers University.

The professional degree of doctor of public administration, designed for specialization in leadership and service in the field of public administration, is now awarded on recommendation of the faculty of the School of Public Administration at the University of Southern California.

At the Institute for Advanced Study, Princeton, New Jersey, the School of Humanistic Studies and the School of Economics and Politics have been merged into a single school to be called the School of Historical Studies.

The twenty-sixth annual session of the Institute for World Affairs at Riverside, California, will be under the direction of Professor Charles E. Martin, of the University of Washington. Professors Cole, Maki, and Taylor of the same

institution will participate in discussion of various aspects of the session topic, "Prospects for World Stability."

Professor Henry Reining, Jr., of the University of Southern California, has accepted an appointment as consultant to the U. S. Commissioner of Reclamation.

Professor Philip E. Jacob, of the University of Pennsylvania, lectured on international organization at two of the seven-weeks' International Service Seminars conducted by the American Friends Service Committee during the summer. Graduate and undergraduate students from nineteen countries participated in the seminar at Bennington College, Vermont; sixteen countries were represented at the seminar at Woodstock, Illinois. Study and discussion centered on problems of peace-making with particular reference to the functions and achievements of the United Nations.

Mr. Ross Y. Koen, formerly a graduate student at the University of Michigan, has been appointed to an instructorship at the University of Florida.

During the past summer, Mr. Harold L. Enarson, of Stanford University, served as executive secretary to the President's Steel Industry Board.

Mr. Lane Davis, who will receive his doctor's degree at Cornell University at the next convocation, has been appointed instructor at the State University of Iowa.

At the University of Kansas, Drs. Hilden Gibson and E. O. Stene have been advanced to full professorships and Dr. Eldon Fields to an assistant professorship.

Professor George A. Lanyi, of Brown University, has been awarded the Robert Noxon Toppan Prize at Harvard University for the best doctoral dissertation in political science in the academic year 1949–50. His subject was "Oliver Cromwell and His Age; A Study of Nationalism."

At the University of Southern California, Mr. Lowell G. Noonan has been appointed instructor and is teaching in the fields of theory and comparative government.

After many years of service, Dr. Christen Jensen, of Brigham Young University, has been retired with the rank of dean emeritus of the Graduate School and professor emeritus of history and political science.

At the University of California, Dr. Carl Q. Christol, Jr., recently engaged in law practice in southern California, has been appointed visiting associate professor and is teaching courses in the field of public law.

At the University of Alabama, Dr. Wladyslaw W. Kulski, who during the past two years has been a lecturer in political science, became a professor in

the department on September 1. He is continuing to offer courses in international law and comparative government.

Professor David Fellman, of the University of Wisconsin, delivered two lectures at the Air War College at Maxwell Field, Alabama, in early September, and Professor Fred A. Clarenbach presented a paper on the contribution of John Dewey to social theory in a University of Wisconsin symposium commemorating the ninetieth birthday of John Dewey on October 20.

Professor Guy H. Dodge, of Brown University, is on sabbatical leave during the current academic year and is in France carrying on research on the political ideas of Benjamin Constant and Restoration Liberalism, for which purpose he received a Fulbright Fellowship. His courses in political theory at Brown are being given by Mr. John C. Murray, who has become an instructor.

Professor Wilbert L. Hindman has been granted a year's leave of absence from his position as department chairman at the University of Southern California to accept a dual appointment as visiting expert with the Civil Administration Division of OMGUS, and as coördinator of the German Visitors' Program at the University of Michigan. During his absence, Dr. Totton J. Anderson is serving as acting chairman of the department at Los Angeles.

Professor Sigmund Neumann has returned to his post at Wesleyan University after five months in Germany as visiting expert with OMGUS. During the period, he was concerned with the development of the social and political sciences in higher education and also served as visiting professor at the Universities of Munich and Berlin (Free University) and the Deutsche Hochschule für Politik in Berlin.

In a departmental reorganization at Michigan State College, political science has been separated from history and combined with public administration in a new department of political science and public administration. The department head is Professor Milton E. Muelder, lately returned from an extended tour of duty with Military Government in Germany.

At the University of Wisconsin, Professor Sverre Kjeldstadli, visiting instructor in the Scandinavian Areas Program, is offering courses on the governments of Scandinavia and the foreign relations of Scandinavia in the political science department in coöperation with the Areas program.

Professor Luther J. Lee, Jr., member of the Pomona College faculty since 1941, and of late associate professor of government and assistant to the president, has been appointed assistant field director of the Committee for Economic Development, a non-profit, non-political organization of leaders in business and education.

After an absence of seven months, spent partly in observing United Nations activities at Lake Success, Washington, Paris, Geneva, and London, and partly

as visiting expert in the Democratization Branch of the Civil Administration Division of OMGUS, with headquarters at Frankfurt, Professor Ivan Stone has returned to his regular post at Beloit College.

Instructors lately added to the political science staff at the University of Kansas include Messrs. Aubrey Bradley, Kenneth Beasley, and Robert Eichborn, holding degrees from the local institution, and William Cape, of the University of Wyoming. Mr. Norman Blacher, of Stanford University, also has joined the staff as a research assistant and is devoting most of his time to developing the Bureau of Government's training programs for public officials.

The State College of Washington announces as new appointees in the department of history and political science Dr. H. Paul Castleberry, of the University of Chicago, as assistant professor of international relations, and Dr. Daniel M. Ogden, Jr., of the same institution, as instructor in political parties.

Four new instructors, recently graduate students at the institutions named, joined the political science staff at the University of Alabama on September 1: Messrs. Robert T. Daland (University of Wisconsin), Charles D. Farris (University of Chicago), Grady H. Nunn (New York University), and Donald S. Vaughan (Columbia University).

Professor Norman Alexander, of the University of New Hampshire, is serving as a member of the governor's Advisory Commission on the Reorganization of the State Government, and Professor George H. Deming, executive secretary of the Bureau of Government Research at the same institution, has been named consultant to the Commission.

The Social Science Research Council has announced that Dr. Richard H. Heindel, professional staff associate with the Senate Foreign Relations Committee, will shortly join its Washington office as executive associate on research and other international problems affecting the social sciences. Before taking up his work with the Senate committee, Dr. Heindel, formerly of the University of Pennsylvania, was chief of the Division of Libraries and Institutes in the Department of State and at the London Embassy directed the first of the United States information libraries.

An Institute of Public Affairs was established on October 1 at the State University of Iowa to serve municipal, county, and state officials of Iowa in a research capacity and to act as a service link between them and the University. The director is Dr. Robert F. Ray, and Dr. Dean Zenor heads the Institute's research activities.

The Institute for Human Adjustment at the University of Michigan announces six new graduate fellowships for research in metropolitan community problems. The stipend is one thousand dollars, plus travel expenses, and the appointments are open to graduates with one year of training in political science and other social science fields. Applications must be filed by February 15, 1950.

The Washington Chapter of the American Political Science Association announces the following officers for 1949–50: Fritz Morstein Marx (U. S. Bureau of the Budget), president; R. G. Steinmeyer (University of Maryland), first vice-president; H. Schuyler Foster (Department of State), second vice-president; and Vincent J. Browne (Howard University), secretary-treasurer. Council members include George L. Millikan (Brookings Institution), Paul K. Morris (U. S. Bureau of the Budget), and Cathyrn Seckler-Hudson (American University).

At invitation of the Law Faculty of the University of Buenos Aires, the Colegio de Abogados of the University of La Platte, the University of Montevideo, the Minister of Foreign Affairs and the Ministry of Instruction of Brazil, and the Brazilian Society of International Law, Professor Hans Kelsen, of the University of California (Berkeley), delivered a number of lectures during the past summer. A series of four on "Problems of the Pure Theory of Law," given at the University of Buenos Aires, will be published in French and Spanish. During his visit to Buenos Aires, a complete bibliography of Professor Kelsen's works was published in his honor.

The death of Professor Raymond G. Gettell, of the University of California (Berkeley), brought to a close the career of an outstanding teacher and scholar in the field of political theory. His first work, *Introduction to Political Science*, was published at the age of twenty-nine. He began his teaching career also at an early age, becoming a full professor at Amherst when only thirty-three. He went to the University of California in 1923, and there acquired a reputation not only as a lucid teacher but as an administrator, serving at various times as dean, chairman of the department of political science, and director of the summer sessions. As a lecturer, he was in great demand throughout the state.

Pomona College has recently established an Institute of Public Affairs with a view to contributing to informed discussion of basic issues of public policy among business, professional, labor, and community leaders throughout the Pacific Southwest. The Institute's first undertaking was a conference on December 2 on "Voluntary Action in a Free Society," directed to (a) taking stock of the vitality of American incentives for solving social problems through voluntary methods, and (b) examining the prospects of meeting the need for more and better and less expensive medical care without recourse to the powers and resources of the state. Professor John A. Vieg served as chairman of the conference committee.

The New Jersey Political Science Teachers Conference held its 1949 meeting at Rutgers University on October 29. The program, sponsored by the University and the state department of education, and assembled by Dr. John J. George, consisted of seminars on the Atlantic Pact, Russia, labor legislation, taxation in New Jersey, and the state's current gubernatorial campaign. Nineteen delegates from fourteen institutions participated.

A Municipal Technical Advisory Service, conducted in coöperation with the Tennessee Municipal League, and designed to provide technical aid to Tennessee cities, has been established by the legislature at the University of Tennessee. Mr. Gerald W. Shaw, formerly of the Government Research Staff of TVA, is the recently appointed director and Dr. Lee S. Greene is chairman of the executive board through which other agencies in the University are brought into contact with the Service.

The Southern Institute of Local Government of the University of Tennessee conducted five meetings in October dealing with constitutional revision in Tennessee. Principal speakers included Dean William Bradshaw, of the University of Missouri, Professors Daniel Grant and Henry Williams, of Vanderbilt University, and Professor C. C. Sims, of Middle Tennessee State College.

A Southeastern Conference on United States Foreign Policy was held on the campus of the University of Florida November 2, 3, and 4. With discussion leaders provided by the United States Department of State, round tables were conducted on various aspects of American foreign-policy formation. Problems of inter-American relations were also given prominent consideration.

A joint meeting of the Southern California Political Scientists and the Pacific Southwest Academy held at Claremont, California, on October 7 was devoted to "Our Current Political Malaise," with Dean D. E. McHenry, of U.C.L.A., President George S. C. Benson, of Claremont Men's College, Professor Carlton C. Rodee, of the University of Southern California, and Messrs. McIntire Faries and James Roosevelt, Republican and Democratic national committeemen from California, respectively, as speakers.

From August 27 to September 2, a conference on Methods of Analyzing Political Behavior was held at the University of Michigan, with the Social Science Research Council as sponsor and the Michigan department of political science and Institute for Social Research as hosts. A grant from the Carnegie Corporation covered travel and living expenses of the participants. Topics discussed included: "Report on New England Political Behavior Project," "Study of Southern Politics," "A Sociological Approach to Politics," "Political Attitudes and Voting Behavior of the Urban Electorate," "Preëlection Polls of 1948," "Problems of Prediction," and "Organized Groups and Political Behavior."

Professor Waldemar Gurian, editor of the *Review of Politics*, has been named director of the Committee on International Relations of the University of Notre Dame, of which Professor Ferdinand A. Hermens is also a member. The Committee has been formed to conduct research in the interrelations of religion, democracy, and international order, and is financed in part by a grant from the Rockefeller Foundation. Present plans, including a series of publications, call for a three-year program, with gradually diminishing assistance from the Foundation.

Dr. William H. George, formerly professor of political science and dean of the Faculty of Arts and Sciences at the University of Hawaii, died in Honolulu on September 23 after a lengthy illness. He was seventy-one years of age. A native of Northwood, Ohio, he received his B. A. degree from Harvard in 1903, his M. A. from Princeton in 1906, and his Ph. D. from Harvard in 1921. Before going to Hawaii in 1930, Dr. George was a member of the political science departments at the University of California (Los Angeles) and the University of Washington. Besides his frequent contributions to periodicals and reviews on the West Coast and in Hawaii, he was the author (with Professor Charles E. Martin) of *American Government and Citizenship*, published in 1927.

Professor Boris Mirkine-Guetzévitch has recently returned after his yearly stay in Paris, where he taught at the Institute of Advanced International Studies of the University of Paris and at the National School of Administration. As co-director of the Section of Public Law of the Institute of Comparative Law of the University of Paris, he closed, with a lecture, the commemoration of the bicentennial of *L'Esprit des Lois* of Montesquieu. Professor Mirkine-Guetzévitch was elected in July vice-president of the International Academy of Political Science and Constitutional History, a member of the board of directors of the Society of Comparative Legislation, and a member of the editorial board of the new *Revue internationale de droit comparé*.

Under the sponsorship of the Committee on International and Regional Studies at Harvard University, the Institute of International Studies at Yale University, the School of International Affairs at Columbia University, the Woodrow Wilson School of Public and International Affairs at Princeton University, and the School of Economics and Politics of the Institute for Advanced Studies, a conference on problems of modern France will be held at Princeton, New Jersey, February 1–4, 1950. Attendance will be by invitation among historians, economists, political scientists, students of literature, and perhaps others. The general purpose is to bring together American scholars professionally interested in problems of modern France to take stock of and to appraise work on France currently under way in American colleges and universities, and to consider ways and means for the further development of French studies in the United States. Professors Edward Mead Earle and William Ebenstein, of Princeton University, are chairman and secretary, respectively.

A meeting of experts was convened in New York City on November 4, 5 and 6 by UNESCO to plan research by social scientists upon the techniques of the international conference. The disciplines of social psychology, psychiatry, cultural anthropology, sociology, and political science were represented. Other participants included members of the secretariat of the United Nations, a permanent delegate to UN, and a member of the executive board of UNESCO. Professor Walter R. Sharp, of the City College of New York, on leave with UNESCO, presided, and Professor Charles S. Ascher, of Brooklyn College, consultant to UNESCO, served as secretary. Additional political scientists present

were Professors Frederick N. Dunn, of Yale University, Leland Goodrich, of Brown University, and Philip Mosely, of the Russian Institute of Columbia University.

The University of Louisville and the city of Louisville are coöperating in the education of future public administrators. Undergraduate political science majors are gaining experience in municipal administration, are paid for the experience by the city, and receive credit for it from the university. The student is placed in a municipal department on a half-time basis for one fiscal year, during which period he is moved from bureau to bureau, so as to receive overall administrative experience. The project started as a mere matter of enabling students to "learn by doing" under experienced supervision with no commitment as to full-time placement. Nevertheless, during the first fiscal year two of the three departments then involved kept the interns as full-time assistants to the director. Coöperation has been secured in one department at a time, until today interns are working in the departments of finance, personnel, planning and zoning, welfare, parks and recreation; and a placement will be effective this winter in public works. To establish the internship program with some degree of permanence, a specific "class" for the student interns was recently added in the municipal classification system.

During the summer, a meeting of the International Institute of Public Law, the first since the war, was held at the Salle des Actes of the Faculty of Law, in Paris, under the chairmanship of M. Gaston Jèze, honorary professor at the Faculty of Law. The last previous meeting took place in Paris in 1938. A report was presented by Professor B. Mirkine-Guetzévitch on "Individual Liberties in Modern States" and was followed by a general discussion. The Institute decided to resume publishing the *Library of the International Institute of Public Law*, and likewise the Institute's *Yearbook*, which appeared from 1928 to 1940 and contained constitutional and legislative texts. The following board of directors was named for a term of two years: president, Georges Scelle (France); delegates to the Board, A. Alvarez (Chile), Gaston Jèze (France), H. Kelsen (United States), F. Nitti (Italy), Roscoe Pound (United States), H. Rollin (Belgium); general secretary, B. Mirkine-Guetzévitch (France); and treasurer, L. Rolland (France). The next session of the Institute will be held in Paris in 1951.

The International Political Science Association. The constitution for an International Political Science Association was agreed upon by a conference held in Paris under the auspices of UNESCO from September 12 to 16, 1949. At the Beirut Conference of UNESCO in December, 1948, the Director-General was authorized to assist in the formation of international associations in the social sciences by grants-in-aid. As a result, conferences have been held and international associations projected during the past year in the fields of economics, sociology, and comparative law, as well as political science. A conference on social psychology is to be held. UNESCO has already begun the publication of a quarterly *International Social Science Bulletin*, which will

devote space to each of these international associations and will be distributed at a reasonable rate to their individual members. The associations, however, when formed, will be entirely independent. UNESCO is interested in their formation and expects to assist in their early development, but has no intention of controlling their policies or activities.

The conference in Paris in September included twenty-three political scientists from seventeen countries (Australia, Belgium, Canada, France, Germany, Greece, India, Mexico, Netherlands, Norway, Poland, Sweden, Switzerland, Turkey, United Kingdom, United States, and Uruguay). Persons had been invited, but were unable to attend, from Austria, Czechoslovakia, Italy, and the Soviet Union. Representatives were present also from the United Nations and UNESCO.

The delegates from the American Political Science Association consisted of Professors Quincy Wright, of the University of Chicago, and Pitman B. Potter, of the American University, and Dr. Donald Stone, of Economic Coöperation Administration. Professor Walter R. Sharp, of the City College of New York, and temporarily in the UNESCO Secretariat, represented that organization.

The conference selected Professor Raymond Aron (France) as chairman and Professors W. A. Robson (United Kingdom) and Quincy Wright (United States) as vice-chairmen. Mr. John Goormaghtigh (Belgium) was elected secretary.

A draft constitution prepared by a small committee selected by UNESCO, with Walter R. Sharp as chairman and John Goormaghtigh as secretary, had been circulated in advance. The conference adopted this document after extensive discussion and considerable amendment and has forwarded it to the existing national political science associations for adherence. There was considerable discussion of the relations of the proposed International Political Science Association to the existing International Institute of Administrative Sciences. It was hoped that coöperative relations between the two might develop, but it was felt that the scope of the two associations would be different. The International Institute of Administrative Sciences, with its seat in Brussels, has a primary interest in practical problems in public administration and seeks to bring public administrators together from various countries. The International Political Science Association, on the other hand, will be interested in the entire field of political science, including national and international politics, public law, and political theory, as well as public administration. The center of interest will be research and university teaching, although persons and associations engaged in practical politics and administration will not be excluded. While the conference agreed that the International Political Science Association should have scientific objectives, the promotion of a more intelligent understanding of political science by the general public will be within its purview.

It appears that there are only five national political science associations in the world, of which the American Political Science Association is much the most important from the points of view of membership, activities, and publications. Other associations exist in Canada and India and have just been established in the United Kingdom and France. In view of this situation, the en-

couragement of the development of national associations in other countries will be one object of the International Association. Efforts will be made to extend the teaching of political science as an academic discipline in universities and to facilitate contacts among political scientists through international round-table discussions and exchanges of professors. The promotion of documentary and research services and the distribution of information about developments in political science are listed in the constitution among other means for carrying out the Association's purpose.

In view of the limited number of national political science associations, it was felt desirable to have *individual members* as well as *collective members* (national and regional associations). A third category, *associate members*, that is, national or international associations in related fields, is also provided for. The provisional executive committee fixed the annual dues of collective members at $10.00 to $200.00, of associate members at $10.00, with the understanding that some such members might be invited to contribute more, and of individual members at $2.00 for persons belonging to a national association and $3.00 for others, with the understanding that individual members would have a free subscription to UNESCO's *International Social Science Bulletin*. It was understood also that dues of individual members might be increased if and when the International Political Science Association publishes a journal of its own.

The governing body of the Association is to be a council consisting of representatives of collective members and a limited number of individual members from countries without a national association. After considerable discussion, it was decided to leave the appropriate weighting of the representation of collective members to the executive committee, with the understanding that no collective member shall have over three representatives on the council.

The council is to meet normally every three years, and in the interim the affairs of the Association will be handled by an executive committee of from ten to fifteen members of the council chosen by that body for a three-year term. The executive committee appoints its own chairman and the executive secretary and treasurer of the Association. The latter two offices may be combined in the same person. The council selects the president and vice-president of the Association and such honorary presidents as it may deem appropriate.

After prolonged debate, it was decided to establish the initial seat of the Association in Paris. This would make possible easy contact with UNESCO and coöperation with the International Economic Association, whose seat will also be in Paris. The Institute d'Étude Politique offered to provide offices for the Association's headquarters.

The Paris conference appointed a provisional executive committee of twelve, with Quincy Wright as chairman, M. Bridel (University of Lausanne) and D.W. Brogan (Cambridge University) as vice-chairmen. François Goguel, of the Institut d'Étude Politique, was prevailed upon to accept the position of executive secretary and treasurer, at least through 1950. The provisional executive committee, which held its first meeting during the Paris conference, also set up a steering committee of six persons located near Paris.

The Conference discussed the activities to be undertaken by the Association, and many suggestions were made on the basis of which the steering committee was authorized to consult with Professor Sharp from UNESCO and to formulate a precise program for presentation to that body. Among the suggestions offered were the publication and distribution of a synthesis of the methods of political science in some hundred pages, based on the extensive UNESCO survey of political science to be published soon. It also is hoped that a round-table conference on some subject of fundamental interest to political scientists may be arranged for the autumn of 1950, perhaps in coöperation with one of the other international social science associations.

While it is hoped that in time dues may provide a considerable annual income, it was recognized that at first the main financial resource of the Association would be contributions from UNESCO.

The constitution of the Association will enter into force when four national or regional associations eligible for collective membership have adhered to it. The hope was expressed that existing national associations would act soon and that new national associations in process of formation in several countries would soon come into being and become members. The provisional executive committee and the steering committee will function pending the entry into force of the constitution, and the participants in the Paris Conference will be deemed charter members of the International Association on an individual basis.

Communications and inquiries relating to the Association should be addressed to Professor François Goguel, Executive Secretary, Institut d'Étude Politique, 27 rue St. Guillaume, Paris 6, France.—QUINCY WRIGHT.

BOOK REVIEWS AND NOTICES

United States Relations with China; With Special Reference to the Period 1944–1949. (Washington, D.C: Department of State Publication 3573—Division of Publications—Office of Public Affairs. 1949. Pp. xli, 1054. $3.00.)

The curious rôle of China in American political thought is something that neither historians nor political scientists nor psychologists have ever been able to explain satisfactorily. Why America should have had through most of its history active and positive "policies" toward a country so remote geographically, culturally, and ethnically, while resolutely separatist from Europe, will remain an enigma, if not a paradox. And, consistently, on no aspect of America's postwar foreign relations has so much emotion been spent as on its relations with China. The State Department has not felt obliged to issue bulky volumes to justify the government's course with respect to Turkey or Greece or Palestine, or the billions spent on the Marshall Plan; only with respect to China has it felt compelled to do so—compelled by highly charged accusations concerning what the government has done or not done in China. Indeed, this is the kind of publication that normally only the advent of war calls out.

The White Paper is a book of more than a thousand closely printed pages preceded by a letter of transmittal from Secretary of State Acheson by way of summary and emphasis on conclusions that the American government drew as a basis for its unwillingness to extend further aid to the Chinese Nationalist government. More than half of the volume consists of documents—dispatches to and from diplomatic and consular officers and General Marshall's mission of mediation in the civil war, a report from the head of the American military mission to China on the decisive campaigns in the civil war, a statistical summary of economic and other aid given the Nationalist government by the United States, and General Wedemeyer's hitherto suppressed report on his mission to China in 1947. The rest of the volume is a narrative of events between 1944 and 1949, when Nanking fell, with introductory chapters on the relations between the United States and China in the century preceding 1941 and the Chinese internal political setting, mainly the relations between the Kuomintang and the Communists in the years between 1924 and 1944.

If the object of the White Paper was to make clear why the American government did what it did in China and why it did not do what it did not do, and also why what it did or did not do could not affect the course of events in China since 1945, the course that has arrived at Communist control, then the volume has fulfilled its purpose. For unless it can be shown that the State Department has rigged its case by withholding or touching up material evidence, its case is irrefutable.

The issue has been in these last three years: Shall we give enough help to Nationalist China to withstand the Chinese Communists or let events take their course? It should be observed that only a few intransigents have advocated formal intervention by force. The majority wanted "help"—military advisers, money, arms, and other things not quite clearly specified. It should

also be observed, however, that many advocates of "help" were only circumspect, if not disingenuous: they hoped or believed, or both, that "help" would expand stage by stage into full military intervention.

The United States gave only limited help, as we know, though $2,000 million is not exactly an excessively narrow limit. Also, as we know, even that much—or that little—was given against the best judgment of the majority of those in the American government professionally concerned with the Far East. It was given as a concession to public feeling whipped up by those who knew that popular dislike of Communism could be capitalized. The reluctance of those professionally concerned with the Far East was based on the conviction that help would be useless, that the Nationalists were losing for reasons having nothing to do with whether they got help from outside or not, that the Communists were winning not because they were Communists but because the Nationalists were what they were. The Nationalists were losing, first, because they were visibly incompetent, both politically and militarily, and, second, because their corruption, exploitation, and indifference to popular welfare was alienating the Chinese people. The Communists had only to wait for time and the Nationalists to work in their favor. In the end, the Communists would not have won China; the Nationalists would have lost China. Therefore, if Communist victory was to be prevented, the United States would have to intervene in full force, take over the defense of China against the Communists, and reorganize the government, the administration, and perhaps the economy in such a way as to divest the Communists of their popular appeal—in other words, the United States would have had to take over the government of China.

This was the conviction on which the American government acted, and the White Paper gives the evidence proving the conviction to have been valid. First, some misrepresentations had to be cleared up. One of the commonest is that the Yalta agreement led to Communist victory in China by turning over parts of Manchuria to Russia. On that subject, the White Paper has a chapter. On the agreement at Yalta in so far as it affected China, many things are to be said on different levels of discourse. By any moral criterion, a transaction in which territory of one country is turned over by a second country to a third country without the knowledge of the country whose territory is affected is distinctly dubious. On moral grounds, it is hard to defend what President Roosevelt did. But it is known from other sources (notably Sherwood's Hopkins volume) that Roosevelt acted on the urgings of the military, who, not knowing how far gone Japan was, put pressure on him to get Russia into the war against Japan and to pay whatever price was necessary to that end. The White Paper does not say this, since it cannot be confirmed from its own records; but it does point out that, so far as Russia's position in Manchuria as a result of its entrance into the war is concerned, the Yalta agreement made little difference. One does not have to psychoanalyze Stalin to know that nothing on earth could have induced Russia to enter the war against Japan until Japan was exhausted and nothing on earth could have prevented it from

doing so once Japan was exhausted, since manifestly it was going to insist on a voice in the peace settlement. And if Russian troops were to be in Manchuria in force when the surrender came, Russia would be in a position to take what Roosevelt offered her whether he had done so or not. In other words, the Yalta agreement, whatever may be said of its political ethics, gave Russia nothing she would not have had anyway.

It is commonly said, further, that by the truce which General Marshall "forced" on the Nationalists, the Nationalists were estopped from wiping out the Communists, as they otherwise could have done, especially in Manchuria. On this point the White Paper gives some salient facts. The truce was not agreed on until January 10, 1946, when it was provided that truce teams composed of Nationalist, Communist, and American representatives should be sent throughout the area of hostilities to supervise the cessation of fighting. Meanwhile, however, the Nationalists had sent armed forces into Manchuria, most of them being transported by American ships and planes, and there was sharp fighting. The Nationalists at first were successful and refused to permit the truce teams to enter the area until March 27. By that time they had established themselves in south and central Manchuria (they were still solidly in control there when this reviewer was in Manchuria in December, 1946) and remained in control for more than two years. The truce really never operated in Manchuria, for shortly after the end of March it was being violated everywhere, and formal war began early in July. How, then, did the truce inhibit the Nationalists? It is true that the Russians timed their withdrawal from Manchuria so that the Communists could step in on their heels and take over surrendered Japanese arms; but that did not serve to help them until 1948.

The truth of the Nationalist military débâcle is revealed stage by stage in the dispatches of Ambassador Leighton Stuart in 1948 and 1949 and, more concretely and particularly, by General David Barr, head of the American military mission to Nanking, who toward the end was empowered to give the Nationalists military advice and did give them advice, which was consistently ignored by Chiang Kai-shek or sabotaged by his commanders. General Barr's reports are conclusive and corrosive. Pungently he says (p. 358): "No battle has been lost since my arrival due to lack of ammunition or equipment. Their [the Nationalists'] military débâcles in my opinion can all be attributed to the world's worst leadership and many other morale-destroying factors that lead to a complete loss of will to fight." He lists as such factors "the complete ineptness of high military leaders and the widespread corruption and dishonesty throughout the Armed Forces." Elsewhere in American military reports it is estimated that eighty per cent of the arms sent to the Nationalists by the United States ended up in the hands of the Communists. Truly, America served as the arsenal of Asiatic Communism.

The Wedemeyer report, with the veil lifted, is a letdown. For one thing, it is a logic textbook example of internal contradiction. General Wedemeyer says more damning things about the Nationalists than General Barr. Then he says that in order to prevent Communist, i.e., Russian, domination we must give

the Nationalists more help, adding the ill-defined safeguard that we must send advisers to see that the help is properly utilized. Advisers with what authority, since the military advisory commission already there was being ignored? Political authority over the Nationalist government, vice Chiang Kai-shek and the Kuomintang? He does not say. Then he makes the startling proposal that Manchuria be detached from China and put under a five-power guardianship including Russia. Including Russia!

On one salient fact in the sad fiasco of American action in China, the White Paper is silent. It has to be. It cannot explain why, these facts all being known to it, the State Department did not long before disembarrass itself of a government it knew to be losing because it deserved to lose. It cannot very well say that the State Department is not a free agent and that its knowledge and intelligence can at times be neutralized by strong convictions or prejudices in the Congress, however uninformed those convictions and baseless those prejudices may be. Anti-Communism is a tide that can be ridden to profit by those who seek political profit. The Chinese Nationalists rode it, too. They, too, capitalized American anti-Communism. General Marshall pressed them to institute social reforms and desist from certain practices in order to regain popular support. Why should they have done so when they felt secure because America, hating Communists, would support them because they, too, hated Communists? The White Paper cannot say that when Governor Dewey stumped the country throughout 1948 denouncing the Administration for not giving more help to our "democratic allies," the Chinese Nationalists, the Nationalist régime, believing as did everybody else that Governor Dewey would be president, had only to hold out until 1949, meanwhile remaining intransigent. Dewey and Dulles would come bearing lavish gifts.

The whole is a sordid and sad episode in American diplomatic history, a rich case study in post-1945 international relations in a democracy, and, incidentally, an exhibit of one of the most artful and effective pressure groups to have worked in American politics. Some day, some resourceful student of government will trace the organization and manipulation of the lobby, composed of Americans and Chinese officials, that brought it about that the government of a powerful country was frustrated in using the fullness of its intelligence in a situation potentially dangerous to itself. That story still has to be told.

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The Hoover Report; Half a Loaf. (Washington, D. C.: Public Affairs Institute. Occasional Paper Series, No. 3. 1949. Pp. 47.)

The evaluation attempted by the Public Affairs Institute of the work of the Hoover Commission is unfair, inadequate, and partisan. Although much useful and justified criticism of the various recommendations or lack of recommendations of the Commission is included, the total effect of the appraisal is to give the impression mentioned in the title, namely, that the public has been given "half a loaf." Actually, the evaluation itself is scarcely half an evaluation of a

great survey. This becomes clear when one acquaints himself with the total work of the Commission.

The appraisal is really used as a springboard for the expression of strong New Deal views which may be sound, but which belong in another publication. The final page makes this quite clear in expressing a plea for further investigation, not of the field given to the Commission, but of policies which the authors find to be in need of attention. However well founded their ideas may be, it is hardly fair to tell the public that the Hoover Commission has given them only half a loaf because it did not deal with important policy matters which need attention but which were outside the scope of the Commission's assigned responsibilities.

The evident bias of the authors is demonstrated again in the subjects they choose to emphasize. While but five inadequate pages are devoted to the vital problems of top management and staff services to which so much of the time and work of the Commission necessarily had to be devoted, more than seven pages are given to "Human Welfare" and even more, nine pages, to "Regulation and Competition." The latter subject was largely excluded from the Commission's jurisdiction, even assuming that in a short period of two years it could have given proper attention to this subject when it had, as a matter of clear necessity, to give the major portion of its time to the principal operating agencies of the government which employ most of the personnel and spend most of the money.

At no point in the discussion does one find any expression or realization of the enormity of the task assigned to the Commission, and of how successfully the Commission was able to cover as much as it did in the time allotted to it. No proper mention is made of the numerous cases in which the Commission suggested further study of important problems, nor does the appraisal make clear that policy questions were in general avoided so far as this was possible. Not even a sentence can be found which tells the public that the Commission has given to the people what is generally considered to be the most complete survey of the executive branch of the federal government which has ever been made. No indication can be found that the "six people long experienced in Government administration" have any conception of the contribution which the publication and dissemination of the Commission reports have already made to public understanding of important government problems. These persons must have spent too much of their time in Washington without realizing that most of the country, as well as most of the government employees, are outside of the District of Columbia.

One instance of the lack of balance and the absence of a true sense of value in the Institute discussion is afforded by the allocation of only 21 lines to the significant report on the Post Office, while 31 lines are given to a very minor dissent by two commissioners in the matter of Food and Drug Administration. Similarly, the really significant work of the task force on Medical Services and the decision of the Commission in this field is cluttered up and written down as parts of discussions of favorite ideas of the authors in the welfare field.

Again, the really significant decisions of the Commission based on the outstanding report of Russell Forbes in the supply field, and the able Brookings report on transportation, are both slighted in the Institute review.

In a number of instances the appraisal keeps repeating that the Commission "ignored" or "disregarded" this or that task force report or recommendation. What should have been said is that the Commission set up task forces to explore and investigate the most important fields for it, and that when the task force reports were presented, the Commission used them as the basis for discussion and eventually for decision. No report having value and substance was ignored or disregarded. The commissioners having experience of their own, and in many cases having made investigations of their own, occasionally disagreed, as well they might, with some of their task forces. A careful study of the task force report on Public Works could have given the "six people long experienced in Government administration" ample grounds for understanding why the Commission did not always follow its task forces.

Furthermore, it is quite gratuitous for these critics of the Commission to begin their analyses by questioning the know-how and experience of the commissioners. It is generally agreed that Washington has rarely if ever seen a better balanced or a more broadly experienced group of men than served on this Commission. Rarely if ever has there been such a concentration of talent from hundreds of public spirited men of wide achievement and experience on a single great national problem as occurred in this instance. Naturally, there were conflicts of judgment. But the Institute appraisal fails at any point to indicate how well the Commission, consisting of twelve tough-minded individuals, were able, in about 90 per cent of the cases, to come up with a workable solution or a recommendation which had some chance of eventual adoption. Even where the Commission did make what in the circumstances of its membership was a remarkable decision to grant the President the broadest and most unrestricted powers to reorganize the executive branch, and then ran the ball for the President by sending this recommendation to Congress first, the Institute discussion fails to mention what an achievement this was in terms of practical politics and real progress.

The criticisms in particular functional fields are uneven and frequently little more than repetitions of frequently heard but readily refuted comments. The discussion of the great problems of defense and foreign affairs on which the Commission had the benefit of two exceedingly able task force reports, and to which the Commission devoted a great deal of its best deliberation, is particularly small and pettifogging. The success which the Commission's recommendations in these fields has had in the Congress, really notable and unprecedented considering the complexity and controversial nature of the two fields, demonstrates, I think, the real value of their contribution in these two fields alone. The unfounded criticism that the Commission had nothing to suggest about the problem of overseas administration can be corrected by reading the Commission's report on the subject.

Similarly, when it is asseverated in the Institute survey that the Commission

failed to grapple with the problem of education or of Indian affairs, a careful reading of the appropriate Commission report will provide the answer. Education is a very small function in the federal government, regardless of how big some people would like it to be. When the Commission rejected the recommendation of its task force in this field, it did so unanimously and with a full realization that it was disagreeing with many educational groups which had been agitating for special treatment. In the welter of great administrative problems involving billions of dollars and hundreds of thousands of federal employees, the Commission could indeed have been properly criticized if it had devoted more time and attention to relatively minor federal activities.

The emphasis throughout the Institute discussion seems to be on what the Commission did *not* do rather than what it *did* do. Not having to face the situation which the Commission confronted of having to report to Congress in less than two years after the Commission was created, the discussion loses sight of the time element as well as the achievement of being able to complete so much in the time allotted. At no place is there even the briefest mention of the great contribution made by the Commission's chairman, the only living ex-President, who is slightingly referred to as "the durable ex-President," for having so ably organized and led this perfectly unprecedented survey of the entire apparatus of the federal government. Only the most careful study of the Commission's whole work from beginning to end can disclose many of the reasons and the factors which in the end made it possible to give so much of value to the Congress and the people.

It is highly unfair to criticize the Commission for having given the public half a loaf when one reads in the publication that the other half was really outside the scope of the Commission's authority. It is fair criticism to attack an author for not having done what he set out to do, or what he was required to do. It is not fair to judge him outside of the context of his legal operation.

Perhaps the partisan bias of the authors, exhibited in the second paragraph of the document when reference is made to President Hoover's being selected by the Republican party leaders in Congress rather than by the Democratic President, characterizes the whole evaluation. The partisan inference here is misleading. Mr. Hoover was appointed by Speaker Martin as a Republican public member of the Commission, and the Commission under the law elected him to the chairmanship. His work and that of the whole Commission has been completely above politics. Furthermore, the ex-President and the President have worked very closely together on the whole problem. Disagreements within the Commission frequently crossed party lines, and the agreements were not along party lines. It is prejudicial and untrue in evaluating a great public contribution to imply or to state anything else.

Since the authors seem to have ignored the Concluding Report of the Commission (they say that the Commission "produced 18 Commission reports"), one can in part understand their inability to see the total work of the Commission in any true perspective. Had they not been so anxious to rush into print, they might have given this final report the attention which it deserves, and

they might have been able to learn that the contribution of the Commission is more than the sum total of its functional reports. A little further study and reflection might also have given them the knowledge and information they seem to lack in evaluating the practical results in terms of congressional action and public education. All of these matters apparently mean little to "six people long experienced in Government administration" whose conclusions were "checked" with "top-ranking experts in and out of government" and whose "findings were rechecked by qualified experts." How one whole report of the Commission could have been completely overlooked by all this alleged array of governmental talent would be interesting and revealing to learn.

The numerous pertinent and well-founded observations of the evaluation are pretty well spoiled by the serious omissions, lack of balance and appropriateness, and obvious prejudice of large portions of the document. A foundation devoted to impartial investigation and analysis has injured its reputation by prematurely publishing such an incomplete and unfair appraisal.

JAMES K. POLLOCK.

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A Pattern of Politics. By AUGUST HECKSCHER. (New York: Reynal and Hitchcock. 1947. Pp. x, 235. $3.00.)

This book by young August Heckscher might well be required reading, not only for college students, but more especially for editors and commentators whose task it is to analyze and illuminate the *Pattern of Politics.*

Mr. Heckscher's thesis is that "the régime of politics is in fact important, and embodies durable and goodly values . . . [and that] when they are corrupted or suppressed, freedom invariably suffers." It is through politics that "the impulses and passions which compose a nation are lifted into the day; . . . and brought into the service of the whole state."

It is because of this integral relation between politics and freedom and between politics and the general welfare that the author deplores what he calls the tendency of Americans to "retreat from politics." This retreat is exemplified in our habit of seeking *ad hoc* solutions to political problems by turning to experts or to pressure groups of one kind or another outside the structure and process of government itself. It is a "symbol of the disrepute into which the political process has fallen" that we "look upon congressmen as bumbling and faintly ridiculous figures; . . . [and that we] turn for enlightenment on public questions, not to public leaders, but to our favorite columnist or radio commentator." The historical and theoretical evolution of this "retreat from politics" and what it portends is the theme and substance of this brilliant essay.

"Every political philosophy," says Mr. Heckscher, "is reared upon some image of man's nature." So, too, one finds in the seminal writings of our own founding fathers and in the words and works of the great leaders of American politics basic assumptions concerning the nature of man. These assumptions lie at the root of historic conflicts over policy, over universal suffrage and majority rule, over legislative supremacy and judicial review, over *laissez faire*

and the so-called "welfare state." They help also to explain the central distinction between those who look to the Declaration of Independence and those who look primarily to the Constitution as the basic charter of American democracy.

"Our twin inheritance," says Mr. Heckscher, "is sometimes seen in terms of the two influences [represented by] the Constitution and the Declaration of Independence." James Colton, a conservative Englishman, writing in 1837, saw American politics as a "decisive struggle between a constitutional republic as originally set up and a radical democracy."

Carried to their logical extreme, the egalitarian principles of the Declaration might well emerge in a kind of popular dictatorship incompatible with the security of minority rights and the cause of individual freedom. On the other hand, the idea of constitutionalism—of limited government—might lead to a sterile worship of forms and to a denial of hope in the democratic state as a means of achieving the good life. The great strength of American democracy lies rather in the marriage of the Declaration and the Constitution in the theory of a dynamic state, responsive and responsible to public opinion, but regardful at all times of the inalienable rights of man. Statesmanship does not consist in a "do nothing" policy on the theory that one thereby conserves the liberties of the citizen. Nor does it consist in *ad hoc* or piecemeal accommodation of public policy to the demands of organized pressure groups—no matter how numerous or powerful they may be. "For," says Mr. Heckscher, "it is the essence of statesmanship to show to the many interests of society that their various claims, if they are domesticated and rightly understood, can be satisfied within the framework of the general good."

It is equally important to realize that the Constitution can be a vehicle through which the principles of the Declaration may be translated into policy without sacrificing freedom. The failure of American conservatives is to regard the Constitution as a halter to restrain popular aspirations that seem to threaten vested interests.

"The storm and the rain may beat into the cottage of the poor man," said Chatham, "but the king cannot enter it." This phrase sums up the traditional negative view of liberty and serves as a salutary restraint upon the power of the state. But, Mr. Heckscher says, "Chatham had spoken for a fading ideal; . . . with the new century men began to ask whether after all it was enough that the king be kept outside. Might it not be well to say that the rain and storm should *not* enter? After the radio had brought to the remotest fireside the friendliness and reassurance of Franklin D. Roosevelt's voice, the poor man even began to wonder whether the king might not with advantage be invited in." The central problem of contemporary politics thus appears as the reconciliation of liberty with political planning to promote the general welfare.

If planning is to be compatible with freedom and democracy, there must be a renewed interest in the pattern of politics by citizens. A renewed civic consciousness must also be accompanied by a renewed sense of moral responsibility in the citizen and the state. For the lack of such moral content, says Mr.

Heckscher, the teachers of social sciences must assume a considerable measure of responsibility. "I would say," he writes, "that politics has been taught as a science, but that it has been understood as an ethic." For purposes of scientific study, teachers have assumed that "one side is just as good (or bad) as the other." Students have interpreted this to mean that good and evil in politics do not exist. To correct this, the author does not suggest that we abandon the scientific method—or substitute propaganda for objective analysis. What is necessary is for the teacher of the social sciences to make clear the moral "implications of the material he gathers and the theories he constructs." Only in this way can he help to stop the "retreat from politics" which threatens to undermine the democratic state and prevent us from realizing the full promise of American life.

PETER H. ODEGARD.

University of California.

Power and Morals. By MARTIN J. HILLENBRAND. (New York: Columbia University Press. 1949. Pp. xiv, 217. $3.25.)

Agree with its conclusions or not—and on the whole I do not—this is a book to be read by those who are interested in the strategy of controlling political power. For a strategy must be based on a theory and this book has one, and discusses others acutely. On the critical side, the shortcomings of classical schools of theorists who sought adequate grounds for limiting power have seldom been more cogently put. On the constructive side, as much is said as can be said for a modern Catholic position. The reading, learning, and reflection that went into the book—in spite of the author's wartime preoccupations—must leave any reader respectful. And the writing and style are good enough to make a trade publication of a doctor's thesis.

The first third of the book is brilliant critical analysis. Briefly, the argument begins with the proposition that the power of force can be controlled only by superior force, or by a moral code so firmly inculcated in rulers that they will not abuse their power. The first alternative merely pushes the quest a stage farther back: how to control the superior force. The second is therefore our only hope. To be adequate for the purpose, it must satisfy two conditions: it must be felt to be obligatory, and it must furnish reasonably specific guides to action or restraint. Before skeptics dismiss this solution as chimerical, the argument continues, they had better ponder the efforts of their forebears over the past three centuries to construct other grounds for limits that rulers will recognize, and consider the consequences when no limits are observed. Over this route the author takes us in three chapters on the totalitarian challenge, the failure of modern theory, and the search for valid theory.

It would be hard to improve on this part. Marxists will complain that they are brushed off too briefly, and on collateral grounds, so to speak. And constitutionalists and institutionalists may well argue that there is a third basic alternative, here overlooked: divide power, diffuse it, and set its parts to check each other. Whether such devices can be more than the "auxiliary precautions"

Hamilton once termed them is not a question to argue here; but it is fair to note that Hillenbrand conceives power as monolithic. The positivists, the utilitarians and pragmatists, the contract and consent schools, and the legal theorists he deals with effectively, and finds them wanting: they destroy rather than build up any obligation to restraint in rulers and would-be rulers who are amoral and have power.

A confirmed skeptic, Carl Becker (whom he does not mention), going over some of the same ground in *The Heavenly City of the Eighteenth Century Philosophers*, concluded that we will have to make the best we can of a world where chaos is king, without the comfort of a faith we cannot prove and without the benefit of certainties reason will not supply. But Hillenbrand instead calls us to the scholastic tradition and insists that reason will furnish a code that is both specific in content and morally obligatory. It is—it can only be—the natural law, "a moral norm of action which reason discovers by examination of the functional order that exists objectively in the nature of man and his relation to other men and to the external world" (p. 83). In two extended chapters, he considers with learning and eloquence its applications to the use of violence and to authority and liberty. Natural law, he tells us, teaches that we should "do good and avoid evil" (p. 85); that the use of force is justified to "fulfill the function of the state" (p. 125)—which is "to secure and defend those external conditions necessary to the fullest achievement of personality" (p. 181); that liberty is not an end in itself, but a "means to the fulfillment of personality" (p.191); and other like precepts on which "men of good will" can agree. And so can I. But when I apply his original tests and ask how such precepts as these bind bad rulers, and what specific guidance they give to those who listen, I can only conclude that this was where I came in.

HARVEY C. MANSFIELD.

Ohio State University.

Conflicting Patterns of Thought. By KARL PRIBRAM. (Washington, D.C.: Public Affairs Press. 1949. Pp. vi, 176. $3.25.)

Starting from the assumption that "differences in patterns of thought" have exerted a profound influence upon the political, social, and economic institutions of the Western world, Dr. Pribram argues that much of the conflict between nations in the present-day world stems ultimately from different methods of reasoning. That what we think and the way in which we think have a significant influence upon the way in which we conceive of and hence organize our political, social, and economic life would not appear to require very much proof, were it not for the fact that we live in an intellectual climate of opinion in which thinking is daily disparaged and ideas are likened to the bile secreted by the liver. For that reason, if for no other, Dr. Pribram's book is a welcome antidote to the prevailing belief that ideas are physically, socially, or economically determined. The prevailing belief in "irresistible social forces" and in "historic inevitability," the author points out, has seriously undermined the individual's sense of responsibility for social action.

Dr. Pribram argues, and in my opinion with considerable success, that it

is not only the ideas we hold which are important politically, but the manner in which we arrive at those ideas. There is, in short, an intimate and necessary connection between theories of knowledge and political behavior. The way in which we conceive of the truth (or lack of it), the function we ascribe to reason (or deny it), the limitations (or lack of limitations) we attribute to our reasoning faculties will all profoundly influence the way in which we conceive of the state and of its proper functions.

According to the author, "four main patterns of thought have prevailed in recent times in the Western world, each finding expression in a specific type of social organization: the universalistic, the nominalistic, the intuitional, and the dialectical." The universalistic finds strongest expression in Catholicism, the nominalistic in liberalism and capitalism, the intuitional in Fascism and National Socialism, and the dialectical in Russian Bolshevism. We may quarrel with the simplicity and rigidity of the author's classification, but it is reasonably accurate and useful for further analysis. The author is on much less solid ground, it seems to me, when he seeks to identify liberty with the nominalistic pattern of thought and to argue that "the struggle for democratic institutions based on the principle of individual liberty and self-responsibility and the struggle to maintain the validity of nominalistic methods of reasoning are fundamentally struggles for the same cause." For if the "principle of nominalistic reasoning has attained a classical formulation in Humpty Dumpty's often-quoted dictum: 'When I use a word it means just what I choose it to mean, neither more nor less,'" it is difficult to understand how democracy, as an objective reality, can be successfully defended. If no fundamental agreement on the meaning of democracy or of anything else is possible, if definitions of anything are of necessity arbitrary, it is difficult to understand how we are to rally to democracy's defense. If liberty, moreover, means no more than the individual's "privilege of making his own choice of a system of values," it is difficult to see how liberty is to be distinguished from license or its fruits from anarchy. If we distinguish, as the nominalist insists we must, "thinking" from "being" (or reality), it is difficult to understand what "thinking" is to be *about* or why we should engage in it.

It is impossible within the scope of a review to do complete justice to the author's argument. It is an argument that deserves the attention of political theorists especially. The book suggests that the most important philosophical issue confronting the world today is the old issue between nominalism and realism. The author, it seems to me, is right in his selection of the issue, but wrong in his choice of sides.

JOHN H. HALLOWELL.

Duke University.

Ideological Differences and World Order. EDITED BY F.S.C. NORTHROP. (New Haven: Yale University Press. 1949. Pp. xi, 486. $4.50.)

In his introductory preface, Mr. Northrop notes that, through sad misfortune, the Moslem and Hindu cultures of India are not herein discussed, while Soviet Russia and Latin America are treated less fully than planned.

The resultant unbalance is indeed unfortunate. Yet, that said, this book is still one of the most extraordinary and wide-ranging of recent times. The individual essays vary greatly in breadth and depth, in philosophical insight, and in literary style. But the number which may properly be called exceptional in their brilliance and profundity is high, and several are beautifully compressed monographs on their subjects.

Those subjects are indeed diverse: art, aesthetics, literature, mathematics and the theory of numbers, metaphysics, cultural anthropology, epistomology and philosophy of science, as well as philosophy of history, economics, law, and politics. Some of these subjects, especially when expounded by experts who, though broad in interest and immediate purpose, are uncompromising or unaware in their specialized technical competence, may seem remote or repelling to many political scientists. Yet in a real sense this is a book for, and needed by, the political scientist. For latterly our subject as a whole has tended to become narrowed, its practitioners divorced, no doubt with the excuse of necessary specialized labor in the name of science, from fructifying immersion in the whole stream of culture, one of the sources of strength of the great political thinkers of times past. This work is above all a plea and a demonstration that, if we are to hope for effectiveness in scientific analysis itself, and so for a useful function in our contemporary society, it is necessary for us to cast our net wide, to develop our political thought against a background of understanding of all culture, Eastern and Western, in all its history and aspects. That imperative is scarcely to be obeyed literally. Nevertheless, a change in emphasis is possible; and this work demonstrates that to be scientific it is first needful to be philosophical and to look beyond the boundaries of specific time, place, and specialized subject-matter to the whole of humanity, and to the patterns of man's major cultures.

Secondly, the work argues powerfully that, as between different cultures, and especially as between Oriental and Occidental, there are real and fundamental differences in outlook and purpose not to be overcome by facile talk of human unity or interrelatedness. One world is not to be achieved by pointing to intercommunication, by urging the grim alternative, or by platitudes about the ultimate identity of human needs. It is necessary to discover and understand the underlying approaches to life, to knowledge, to social order, of different major cultures; to comprehend by sympathy and knowledge the positive values and the irreducible matrix of each. Then, and only then, may bridges between them be found. Only then can one hope to create that world order based on law, at once ethical and positive, for which Roscoe Pound pleads at the start in a wise and balanced essay, "Towards a New Jus Gentium," and which Gray L. Dossey argues in the last essay, somewhat misleadingly entitled "Two Objective Bases for a World-Wide Legal Order," can be established by a proper relating of Western determinate verified and Oriental indeterminate intuitive universals, so that law as a rational order with adequate emotional support truly becomes living.

It is not, however, my intent to suggest that this book is a work *à thése,*

another collection of essays pleading for world order, and different from others of the *genre* only by reason of greater scepticism and stress on difficulties. Rather, I have drawn implications from it; and their forcefulness for me, as I think for other readers, comes from the very fact that the greater number of essays are precisely specialized but enlightened assessments of particular subjects; the cumulative strength of the theses discovered derives from the very freedom and individuality (of the various authors), and from the lack in their writings of such immediate objective, though no doubt the resultant effect was calculated by the astute editor.

To mention, and far more to assess, all of these essays would make an intolerably long review, all questions of competence aside. Yet the terms of reference of this journal make some indication of content necessary. Hence, at the risk of being invidious, I select a few for special comment and barely note others. P. W. Bridgman, F. S. C. Northrop, and Pitirim A. Sorokin present brief but effective statements of their well-known views, but in the process indicate implications for man's future ordering which are novel, at least in emphasis. Moreover, despite the seeming differences, there emerges a startling reconciliability and ultimate harmony; and I, at least, draw the implication from their papers, and from others essentially jusnaturalist in approach, that the task of creating an acceptable secular philosophy, in which science and ethics, positivism and traditional metaphysics, may be brought together as a basis for world agreement is not as hopeless as I had long believed.

Equally according to expectation are the essays of John N. Hazard on "Soviet Law," T. V. Smith on "The New Deal," and Clyde Kluckhohn on "The Philosophy of the Navaho Indians," though all three are valuable as summaries and as effective and forceful statements of judgment or viewpoint. Similarly, Julian Huxley, in "UNESCO: Its Purpose and Philosophy," condenses a significant presentation of his well-known views on the proper rôle for that organization, and on the general tasks of intellectual coöperation and scientific development on an international scale and plan.

I dismiss briefly the scholarly, thorough, but disappointingly unilluminating essay of Chiang Yu on "The Philosophical Basis of Chinese Painting," and the very short, but pungent and cogent, analysis of "The Impact of Politics on Science" by Manuel Sandoval Vallarta, who presents the essential arguments against secrecy and against planned research.

Lord Lindsay, whose subject is "The Philosophy of the British Labor Government," not unexpectedly, in the course of a sympathetically critical analysis of that theme, reflects with some profundity on the generic issues of socialism and democracy, political and industrial. His skill in viewing specific problems in the light of great principles, and as part of the general pattern and problem of our day, demands at once attention and emulation. Overton H. Taylor, in a brilliant but far from orthodox paper on "Philosophies and Economic Theories in Modern Occidental Culture," presents both an analytical and an historical assessment of the relation and dependence of economic doctrine to and on science, business practice, philosophical assumptions, and tech-

nological development, in the course of which he incidentally makes cogent comments on Veblen, Marx, and Keynes. As an example of broadened perspective and genuine synthesis, it is, in my judgment, near to the ideal.

Five essays, all concerned with aspects of the relation of culture to art or philosophy, remain to mention. Collectively, they illustrate the underlying importance of general cultural concern for a proper approach to and understanding of the political order which I stressed earlier. Fung Yu-Lan, with a nice clarity and simplicity, explains the essence of the Chinese social system, the nature of its ethical values, its sense of continuity, and the conflicts of obligation which may arise within it. Charles M. Bakewell, under the rubric "The Philosophical Roots of Western Culture," reassesses with equal skill the development, the lasting values, and the specific contribution of Greek philosophy to Christianity. The next two essays, by Matila Ghykar and Robert Grinnell, are far from simple. The one is a fascinating discussion of the relation of Platonic and Pythagorean concepts of numbers to doctrines of aesthetics, to music, to sculpture, painting, and architecture, and to the whole concept of an ultimate and total harmony. The latter analyzes the relation of Franciscan philosophy to Gothic art, and in its course carefully elucidates the theory of levels of meaning in the former. While both essays are technical, they convey, beyond all the rest, the extraordinary interdependence and interaction of subjects, of ideas, and of ways of looking at life and living it which are seemingly remote from one another; and so clarify, as the sociologists rarely do, the dynamic pattern of societies and cultures.

Finally, I commend the essay, at once polished and profound, of Henri Peyre on "Literature and Philosophy in Contemporary France." The lasting significance, the conflicts, and the interactions of the teachings of Descartes and Pascal, the relations of logic and order with emotion and profundity—these are its great themes. Essentially it is an analysis of a rich, living tradition, and a protest against over-simplified generalizations. It presents the bases of existentialism and of neo-Thomism, and indeed of all the major contemporary schools of letters and art. It reveals the dynamics of French life, and its difficulties, above all the difficulty of achieving and preserving coherent unity, the root issue of French politics, rooted in French culture.

I conclude, quite simply, that this work illustrates the right kind of collection of essays: a general frame of reference, with each contributor a free expert, immersed in, but not drowned by, his subject. I urge that, for the political scientist as for any other social scientist, an occasional reading of such a collection is mentally sanitative and insurance against atrophy. For the effective exploration of this particular collection, David Bidney's essay on "Meta-Anthropology" may provide a useful structure and key. Despite a sometimes awkwardly precise jargon, he argues with profound effectiveness the necessity of a philosophy of culture, whose task is to relate in proper dependence the findings of cultural anthropology to an over-all metaphysic: a science of society must be abortive and delusive unless its description and assessment of fact is rooted in a pattern of meaning which transcends, yet is consonant with, posi-

tivist generalization. In the very name of science, we must achieve a philosophy which embraces it, is at one with it, makes it genuinely scientific. That, I think, is the basic lesson and program for our age, justifying a plea that political scientists flee the Ivory Tower of realistic analysis and too immediately practical objective.

THOMAS I. COOK.

Johns Hopkins University.

Patterns of Anti-Democratic Thought. BY DAVID SPITZ. (New York: The Macmillan Company. 1949. Pp. xiii, 304. $4.50.)

Most political scientists are reasonably familiar with the main types of argument against democracy, and with the essential answers thereto. Nevertheless, because it is so easy either to deliver hortatory panegyrics on the democratic way of life, as so many recent writers have done, or, cynically and with limited reflection, so to stress particular criticisms of democratic defects as to turn them into general indictments of democratic government, Mr. Spitz's book should prove of unusual value.

For it is a calm, thorough, reasoned discussion of the major types of anti-democratic thought, and of their inadequacies and excesses. Mr. Spitz uses chiefly modern American thinkers for analysis and illustration, though he does not use them to urge that our system of government is endangered, or that totalitarianism is imminent. He is content to show that virtually all of the ancient and modern condemnations of democracy developed in the Old World have been repeated and applied in the United States in recent times.

Mr. Spitz divides indictments of democracy into two main types: the charge that it is impossible, and the contention that it is undesirable. As strategy not less than as logic, this division is vitally important: it is impossible for the enemy of democracy consistently to affirm both positions at once, though Mr. Spitz tellingly demonstrates that some of those he analyzes are guilty of this sin in reasoning.

He divides the impossibilists into defenders of a ruling class as organizational necessity (Burnham) and as conspiracy of power (Lawrence Dennis). He classifies those who deem democracy undesirable into thinkers who argue negatively its incompetence (Cram) and the more positive advocates of aristocracy, racial (Madison Grant), biological (E. M. Sait), natural (George Santayana), or restrictive (Irving Babbitt).

He examines each position with calm and painstaking thoroughness. He reveals again and again how legitimate specific criticisms of democratic defects or of particular faults of democratic practice at some place and time are illegitimately generalized into a total indictment. He makes clear that those who see most clearly the democratic mote are normally unaware of the aristocratic or autocratic beam, are at bottom utopian, not realistic, observers of imperfect humanity.

The great value of the work is its reasonableness, its carefulness, its moderation. For Mr. Spitz is above all fair: he concedes the justification of specific

criticisms, and by implication, when not directly, affirms their importance as directives for democratic reform. He does not make grandiose claims for democracy, is content to argue sanely that it is best because in the long run better than other forms by reason of its provision for self-correction when such correction is properly recognized to be desirable. Subtle as well as careful as is his analysis of the "average man" and of the distinction between expert competence and the judgment of general experience, he is never slick, and he avoids debater's points.

His exceedingly brief conclusion is simple, commonplace, and vital. It is, moreover, demonstrated. Democracy alone "*is free to correct* the policies of the state, installs *and is able to remove* the temporary governors of men" (p.256, italics author's). It is, that is to say, the sole government which posits no specific goods as overriding imperatives; which accepts the fallibility of all men; which affirms their rational power to perceive error in its consequences; which leaves them free to correct mistakes in public policy and collective judgment; which keeps the road open for change, and for possible improvement, but sees that road as forever stretching ahead, never ending in a timeless, static good. Moreover, democracy never separates completely rulers and ruled: it cherishes a pluralism, as it promotes a circulation, of dependent *élites;* hence is adaptable to changing felt and functional needs.

I have but one suggestion The very scholarly virtues of this work at once limit its present usefulness and give it enormous potential value. For it is a reasoned thesis, not undirected erudition. Its arguments should receive wide circulation, be available to those who need to know the sober force of the democratic case, the grounds on which opponents may be answered. Without sacrifice of noted virtues, the author, I believe, could and should make available (1) a popularization of the essential themes, (2) a high-school text, and (3) a debater's hand-book, based on this work of substantial scholarship and hard thinking. For the function of theory is to illumine and direct practice, and to do so by sustaining justified faith, by confirming and strengthening it through the light of reason. In this realm, even superbly well begun is far less than half done.

THOMAS I. COOK.

Johns Hopkins University.

Fédéralisme et Raison d'État dans la Pensée internationale de Fichte. BY GEORGES VLACHOS. (Paris: Editions A. Pedone. 1948. Pp. 208).

The development of Fichte's philosophy has presented to many people an interesting problem. Fichte started, under the influence of the French Revolution, from an extreme rationalist internationalism, and he seemed to end in an isolationalist nationalism. This contradiction forms the subject of the thesis by Dr. Vlachos, who approaches his problem from the point of view of international law rather than that of philosophy. Thus Fichte's doctrine of international law is singled out and analyzed as to its method, and as to its applied politics, and its changes are explained not primarily as philosophical but as due

to a continuous readaptation of the philosopher to his changing historical environment. Even when Fichte in his younger years seemed to accept the revolution, he never understood nor approved the practical conclusions which the revolution produced in the domestic organization of the nation and in the construction of an international society. From his purely abstract idealism, Fichte easily changed to the opposite extreme of a Machiavellian realism. The reason of state finally triumphed completely over the open international society.

The study by Dr. Vlachos is divided into two parts. The first deals with the opposition between the original Fichtean ideas of a federation or a league of nations and his methodical elaboration of economic nationalism in the "closed commercial state." The second part opposes the European patriotism of the revolutionary period and the national mysticism and Machiavellian positivism of the later years. In reality, there exists a fundamental unity between these various contradictory positions. Fichte remains, in the realm of abstract ideas, a cosmopolitan, but his cosmopolitanism is based upon a missionary or messianic revolutionary expansionism, which centers first in Paris and later in Berlin. This cosmopolitanism can be easily placed into the service of governments which proclaim the goal of imposing peace upon mankind, in the very same way that Fichte's socialism proclaims its goal of liberty through the means of an extreme and even infallible authoritarianism. In spite of all the theoretical and tactical differences which separate Fichte from twentieth-century movements, Dr. Vlachos rightly points out certain interesting parallels between Fichte's internationalism and that of Stalinism and Hitlerism. Fichte was perhaps the first to fuse socialism and national world mission.

But the author of the present thesis, which was written prior to 1944, goes too far when he claims a close affinity between the "Addresses to the German Nation" and the "Myth of the Twentieth Century." "Intellectually and psychologically," Dr. Vlachos writes (p. 202), "national socialism in its entirety can be found in the system of the author of the Addresses." Yet in spite of some reservations toward the author's conclusions, and even toward his fundamental approach, this reviewer's opinion is that his study will take its place among the more valuable and thoughtful discussions of Fichte's socialist and nationalist views. It is well documented throughout and has a short bibliography, but unfortunately no index.

HANS KOHN.

Smith College.

The Future of Government. By HERMAN FINER. (London: Methuen and Company, Ltd. 1946. Pp. ix, 197. 10s. 6d.)

The Future of Government is a continuation of the author's classic two-volume study of 1932, *The Theory and Practice of Modern Government.* As such, the new addition maintains the high level of scholarship, objectivity, and readability achieved in the original work. The purpose of the supplement is to provide an analysis of the problems of government in the decade prior to the Second World War. Actually, the author assumes an acquaintance with "the four great demo-

cratic polities" considered in 1932, and consequently little attention is given to their formal machinery of government. Rather, in the new volume, an attempt is made "to suggest the governmental problems of our time" (1) by looking at them first in a general survey; (2) by presenting the more significant phenomena in each country; and (3) by offering some reflections on the contemporary tasks of democratic government.

According to the author, the problems of contemporary government, as expounded in 1932, are still the problems of the present time. However, two "agonizing anxieties"—the economic depression and the menace of war—did much more than intensify the existent issues. So severe did these become that they projected another of ultimate significance: "Could the democratic form of government, that is, the peaceful and progressive and tolerant rule by freely elected majorities, be maintained?" In order that the democratic form be better understood, the chief features of its opposites are recalled. On the basis of two fundamentals, the dictatorships are contrasted with the democracies: in their non-responsible basis and in the exercise of a monopoly of power and propaganda by a single political party. Thus the Fascist and Communist systems are examined in the light of these fundamentals, and serve as illustrations of their application.

The "responsible governments," on the other hand, are considered from the point of view of their "principal centers of disturbance." France, for example, suffered from the deficiencies of its statesmen, the faults in its organs of government, and the social and economic divisions of its people. In Britain, the "more significant phenomena" were mass unemployment, manoeuvres of the political extremes, unsuccessful agitation for a popular front, Britain's relationship to Italian aggression in Ethiopia, the Spanish civil war, the rise of Hitler, and the rapid road to war. As for the United States, the problems of the prewar decade are regarded as permanent problems of American society and government. Three of these merit special attention: (1) the legislative achievements of the New Deal; (2) the administrative consequences; and (3) the effect on presidential leadership, executive-legislative relations, the position of the Supreme Court, and the federal system.

What is "the future task" defined by Professor Finer? The principal, indeed the desperate, task of democracy is to maintain itself; its second, to improve and refine itself. Nevertheless, in the pursuance of this goal, democracy ought not to be equated with perfection. The primary element is how much superior it is for the maximum number than any other system. As to its extension, democracy has been shaken and shattered by foreign shocks and by war; however, democracy can securely exist in each country only if it exists securely elsewhere.

ELAINE WINDRICH.

University of Washington.

Conservatism Revisited; The Revolt Against Revolt, 1815–1949. By PETER VIERECK. (New York: Charles Scribner's Sons. 1949. Pp. xv, 187. $2.50.)

A liberal might say that Professor Viereck has proved in this volume nothing more than that Prince Metternich was a liberal and not really a conservative.

But such a view implies that a liberal by definition stands for all that is humane, free, progressive, or prudent. A conservative is, likewise by definition, an opponent of these attitudes. The element of circularity in ideological identification can be broken only by an inductive, historical, and specific approach. Such is clearly the accomplishment of *Conservatism Revisited*, a splendidly written volume that brushes away with ease many symbols and slogans current in ideological writing.

The definition of conservatism, the attainment of clarity as to its nature, and its restoration to the social sciences as a normal and honestly presented pattern of thought, must be achieved through the study of figures commonly accepted as conservatives, that is, both by conservatives and the critics of conservatism. Induction is then possible. Only then can we say with any assurance what a conservative is, and the broader generalizations of conservative theory can, perhaps, be reached. But it is probable that many elements of thought claimed now for liberalism will be either shared with or left to a conservative approach. By the same token, a more careful historical analysis might show that liberals have often, as the 1848 Germans, supported ideas that in their consequence have been oppressive and repugnant to the freedom for which liberals were supposed to stand. Yet, none could deny, either, that both liberalism and conservatism have changed or evolved in time, and that hardly any thinkers have believed that a static society is possible, or that a *tabula rasa* of institutions might be achieved without fantastic social and political retardation.

These, then, are some of the meanings that may be gathered from *Conservatism Revisited*. The first chapter attempts a definition or sketching of the conservative spirit in politics, and it is followed by an incisive study of Metternich's thought. Many lines of appreciation converged to make his conservatism. The influence of Burke, the recognition of the dignity of man, hostility toward a tawdry anti-semitism, the belief that progress toward democracy must have solid foundations in the educational level of the citizens, and a complete unwillingness to accept the excesses of liberal nationalism and military adventure. Rather, Prince Metternich is discovered to us as the humane defender of a cosmopolitan and organized Europe that might have peace and makes progress toward the ideals of freedom which we today profess to cherish. Thus, there is apt comparison between a Metternich who would organize Europe a century ago and a Winston Churchill who strives for the same end in our own day.

On this basis, Professor Viereck sees that the organization of peace and the preservation of Europe mean that the Russian rejection of civilized standards must be resisted. Again, the author's method is one of painstaking analysis and a calm search for the facts of life chilled behind the slogans of agitation. Our task today becomes similar to the task that followed the disruptions of the French Revolution.

However, the main challenge to the political scientist presented by this volume is one of method. How shall we define or identify the partisan of any ideological spirit in politics?

FRANCIS G. WILSON.

University of Illinois.

John Quincy Adams and the Foundations of American Foreign Policy. By Samuel Flagg Bemis. (New York: Alfred A. Knopf. 1949. Pp xix, 588, xv. $7.50.)

The position of the United States today as one of the leading powers of the world and the consequent interest of the American people in international affairs combine to contribute to the timeliness of Professor Bemis' scholarly book. What our traditional foreign policies are; how they came to be; and the significance of John Quincy Adams in their foundation, are discussed in detail.

Professor Bemis is not the first scholar to point to the foremost place of John Quincy Adams in the history of our foreign policy. Edward Howland Tatum, in *The United States and Europe, 1815–1823*, asserted that "John Quincy Adams did more to give direction, unity, and leadership to American foreign policies from 1817 to 1825 than any other person in the United States." Professor Bemis' conclusion concerning Adams is that "more than any other one man, he helped to shape the foundations of American foreign policy and the future of the United States as a Continental Power" (p. 3). And again: "He has often been called America's greatest diplomatist. Let those who dispute the title suggest a greater" (p. 571). Perhaps some one may suggest the name of Benjamin Franklin, but assuredly there is honor enough for both men.

The book is a biography of Adams and a history of foreign policy, with special emphasis on the latter. The biographical part does not cover the years following the defeat of Adams for reëlection to the presidency. His later years as "Old Man Eloquent" in Congress are reserved for a second volume. The current volume begins with Adams' boyhood, when he accompanied his father to Paris, follows him through the intervening years in various courts of Europe, and culminates in his service as secretary of state.

The son of a man who from his own experience could initiate him in the ways of diplomacy; practiced in foreign manners by long years abroad; fluent in French and possessed of an adequate working knowledge of several other modern languages (not to mention Greek and Latin), John Quincy Adams was trained as few, if any, Americans have been for a diplomatic career. In an interval of public service, he was admitted in March, 1786, to the junior class at Harvard and graduated on July 16, 1787. The subject of his senior oration was "The Importance and Necessity of Public Faith to the Well Being of a Nation." Unlike most similar orations, it attracted such favorable attention that it was published by Dr. Jeremy Belknap in the *Columbia Magazine* of Philadelphia in September, 1787. "Public faith" was one of the keynotes of Adams' life. So was private faith. As evidence of the latter, on his appointment as Boylston Professor at Harvard, "he declined to take the customary oath of religious test, not because he disagreed with the doctrine, but because he could not accept the principle of such a requirement" (p. 133).

Space does not permit a review of Adams' various diplomatic missions and negotiations. All are treated fully by Professor Bemis. The eight years of service

as secretary of state receive especial praise. There is an illuminating description of Adams' organization of the State Department and the diplomatic personnel. Diplomatic negotiations are traced in detail. In addition to the satisfaction he felt in effecting boundary settlements with Great Britain and Spain and in assisting in the formulation of the Monroe Doctrine, Adams rated highly his report on weights and measures.

A concluding chapter sums up American foreign policy under fourteen points and shows the influence of Adams on each.

In the preface to his book, Professor Bemis discusses the sources of information on the life of Adams. He points out that the two principal printed sources, the *Memoirs*, edited by Charles Francis Adams, and the *Writings*, edited by Worthington C. Ford, are selections from a much more voluminous collection of documents. Professor Bemis had access, for the first time, to the unprinted Adams papers and has thus been able to add greatly to the story of Adams' life and achievements. He has also searched diligently and profitably in the archives of various foreign governments.

Certain other sources of information might have been investigated. For example, no mention is made of Gordon Charles Davidson's *The North West Company*, with its documents and maps relating to the fur trade and to Canadian-American boundary disputes, both east and west. Further light on the Essex Junto and the continuing New England Federalist disaffection might be found in the part of the Plumer manuscripts not yet published. A forthcoming biography of William Plumer by Professor Lynn W. Turner, of Indiana University, ought to be of assistance in this connection.

Another source of information is the correspondence of Christopher Hughes, selections from which were published by the late Professor Jesse S. Reeves in the *Michigan Alumnus Quarterly Review*. In a letter from the Island of Aland, December 17, 1823, to his sister, Hughes gives a long and detailed account of Canning's ingratiating attitude toward him (See Bemis, pp. 378–379). Another letter in this same collection is one dated September, 1833, from John Quincy Adams to Hughes, in which Adams relates the following charming and self-revealing story. Coke had rather boastingly said to Adams that after sticking like a leech, in small minorities, to Charles Fox throughout the whole American War, no sooner had Fox become a minister than Coke went to him and said, "Charley! Whenever I dislike your measures, I shall vote against you." "Now," continued Adams, "this suited my taste exactly—I had been *doing* so with my political friends all my life. But it has made me an outcast with all parties in my own Country."

John Quincy Adams placed his country above party or self. "A politician in this country must be the man of a party," he wrote in his Diary. "I would fain be the man of my whole country." Professor Bemis has provided us with an excellent account of a truly great American.

EVERETT S. BROWN.

University of Michigan.

The Federalists; A Study in Administrative History. By Leonard D. White. (New York: The Macmillan Company. 1948. Pp. 538. $6.00.)

A common criticism of American scholarship in public administration is that it is inadequately based in deep appreciation of the cultural piety upon which solid success must ultimately rest. It is in this framework that Professor White's *The Federalists* acquires fullest significance.

The Federalists is more than a study of the development of the early stages of our administrative institutions. It is a significant contribution to the understanding of political theory, legal institutions, and political history. As such, it will find its way into appreciative hands far beyond professional students of government. Essentially, the story is an unfolding of the crystallization of national power into institutional arrangements.

The craftsmanship of the study is that of the historian uncommonly learned and wise in the ways of politics and law enforcement, and told with an equally uncommon lightness of touch. There is abounding evidence of careful documentation and research in the fullest sense of the term. The story is told in sympathy with the values dominant in the time the characters lived. No attempt has been made to explain motivation beyond that yielded in the documentary sources. The author's values are discernible primarily through emphasis in selection, choice of quotations, and the highlighting of events and personalities. As such, the study is good specialized historical survey writing designed to appeal to a broad audience. Similar studies of the emergence of state governmental institutions are suggested to complete our background panorama of early administrative development.

Great riches are added to the setting in which the newer insights are being brought to bear upon the problem of large-scale government. The high success of *The Federalists*, however, has been gained through emphasis upon the survey generalization. This has avoided focusing newer insights upon the data discovered and analyzed. The volume may well be in the nature of a definitive study in the values in which it is presented. It is equally probable that it will serve to stimulate others to apply newer and more specialized work ways and perspectives to reëxamination of the historical development of administrative institutions and leadership.

The volume is well arranged into subdivisions and nicely supplemented with interesting tables and appendices of summary nature. There is a good index.

Spencer D. Parratt.

Syracuse University.

Congress on Trial. By James M. Burns. (New York: Harper and Brothers. 1949. Pp. xiv, 224. $3.00.)

The problem of Congress is always with us, and unlike most of our problems of a political or governmental or social nature, it is every bit as real as it is apparent. If there is any one point upon which radio comedians, cartoonists, and

political scientists are likely to concur with vehemence, it is that Congress is by all odds the least satisfactory of the important institutions of American government. Whatever we may think of the ability and probity of the men currently discharging the high duties of the presidency, the executive departments, the independent commissions, and the courts, we must admit that as instruments for defining and executing the national will these agencies are in a far more healthy and workable condition than Congress. Surely it is in our national legislature that the widest and most disturbing gap exists between the intellectual and technical performance we are entitled to expect and that which we are actually getting. Never in our history, as the first session of the 81st Congress has made abundantly clear, has the national legislature been so distressingly ineffective in discharging its great functions of making laws and policies, of educating and informing itself and the nation, of advising and controlling without obstructing the Administration, and especially of reflecting the political configuration of the American people. Like Gambetta's Chamber of Deputies, Congress is far too often a "broken mirror in which the nation cannot recognize its own image."

James M. Burns, of Williams College, a teacher blessed with youth, conviction, and considerable firsthand experience in the workings of both administrative and executive branches of the national government, has made the most recent contribution to the endless stream of literature on the problem of Congress; and a welcome contribution it is. Though I can hardly agree with Max Lerner that "*Congress on Trial* is the best study thus far produced on the American legislative process"—has Mr. Lerner, in the interest of friendship for a star student, forgotten Haynes, Galloway, Rogers, Luce, Walker, Young, J. P. Chamberlain, W. F. Willoughby, Jerry Voorhis, and another youthful political scientist named Woodrow Wilson?—I would recommend this book with few reservations to all students, teachers, and observers of American government as a clear-headed, moderate indictment of our present legislative discontents and a sober warning of what must surely be done to correct them before all is lost in a welter of confusion and obstruction. There is nothing in this book that has not been said a hundred times before, but I think its readers will agree that the familiar case against Congress and for reform has rarely been more aptly and convincingly framed. And so long as the problem remains so completely unsolved, books like *Congress on Trial* will be well written and well received. I can think of at least three hundred Congressmen I would like to give this book for Christmas, three hundred Congressmen for whom a careful reading of the author's two main prescriptions for reform— the stabilization of presidential leadership and the establishment of "party government" in the sense that Schattschneider uses this phrase—would be a healthy and rewarding experience.

The chief criticism that I would make of this generally sound and instructive volume is that Professor Burns never did make up his mind as to which windmill he was tilting at, Congress or the political system that underlies it. Indeed, I would even suggest that the book has been misnamed. It might better have

been entitled *The American Political System on Trial*; although it is Congress about which he is writing, it is the American system of parties and politics that is the real villain of the piece, as he himself repeatedly asserts. If there is any single word that sums up most neatly and adequately the unhappy state of the national legislature, it is not inefficiency or ineptitude but *parochialism;* and the parochialism of the men who make up Congress and render it the most parochial of all national legislatures is a direct and unmistakable result of the parochialism of the American political system. If every single reform ever conceived by LaFollette, Monroney, Galloway, Kefauver, and the rest were brought to successful fruition, the central problem—which Professor Burns labels "our decentralized, undisciplined, disunited party structure"—would remain unsolved and our great popular institution of government would remain as ever the unsatisfactory instrument it is today.

In short, it is not Congress, but the whole pattern of our two-party, sectionalized, unprincipled political system that is on trial. It is not Congress, but the system, that must be reformed if we are to survive as a free people in this wretched world. This, I take it, is the main theme of this book. It is one that we should never weary of telling or hearing. Professor Burns is to be congratulated for having told it so simply and yet so eloquently.

CLINTON L. ROSSITER.

Cornell University.

Party and Pressure Politics. By DAYTON DAVID MCKEAN. (Boston: Houghton Mifflin Company. 1949. Pp. VIII, 712. $4.75.)

This book is a valuable addition to the literature of American political parties and politics, and supplements usefully the able contributions of Sait, of Odegard and Helms, of Merriam and Gosnell, and of Key. Both in arrangement and in emphasis, it has several excellent features which distinguish it from other competent works. Thus, only one brief chapter is given to party history, one to the nominating process, and one to the formal analysis of ballots and the conduct of elections. Approximately one half of the total number of pages, or fifteen of the twenty-nine chapters, are devoted, respectively, to party behavior, including leadership, bosses, machines, and patronage, and to pressure groups and politics. The author's scholarship and competence in these two fields are well known and are abundantly indicated on many pages. The four chapters which analyze public opinion and parties are written in language which the journeyman student of politics can understand, being free from the technical jargon of social psychology and its allied disciplines. In his interpretations and opinions, Professor McKean has been influenced by the work and ideas of three very wise men, Charles A. Beard, Edward M. Sait, and Arthur W. Macmahon.

Although the book discusses in its seven sections those subjects usually considered in similar works, the treatment of two matters deserves special commendation. One is the explanation of certain basic factors in the party system in terms of their relationship to federalism, the electoral college system, presi-

dential government, and the separation of powers. Failure to recognize the extent and significance of this relationship has resulted in much confusion among the critics of our party life and in an extraordinary amount of wishful thinking among those who seek to make it more effective and responsible.

The other feature is the realistic portrayal of pressure groups and politics. The author explains the organization, methods, and objectives of the most important of these busy and relentless minorities. He makes clear their undue influence both in legislation and in administration, an influence only occasionally and incidentally related to the common good. Their disastrous effect upon party discipline and responsibility is stressed. He presents certain somewhat insignificant benefits derived from pressure politics, but he fails sufficiently to indicate the insatiable greed and the callous indifference to national welfare and to fiscal solvency which many of these groups display.

McKean makes no glittering prophecies and indulges in no facile optimism. He believes that the major parties have performed well their immense task, and he does not anticipate in the foreseeable future the replacement of the existing system by a class or other realignment. The fundamental problem of American politics, in his opinion, is to strengthen national party leadership as against both bosses and pressure groups. His suggestions for the possible solution of this problem are cautious and tentative. He believes that neither constitutional revision nor constitutional amendments affecting party responsibility are possible of adoption. Improvement by statute or by party practice in such matters as a national election law, repeal of the Hatch Acts, the abolition of the seniority practice in Congress, and more competent party staff work are suggested as methods both of strengthening the national party and of weakening pressure groups.

Under McKean's cogent analysis, the American party system, from the operational point of view, is in large measure the product of an *ad hoc* mixture of federalism, sectionalism, presidential government, tradition, statute law, pressure politics, and machine domination. And such it probably will remain.

THOMAS S. BARCLAY.

University of Michigan.

Labor in America; A History: BY FOSTER RHEA DULLES. (New York: Thomas Y. Crowell Company. 1949. Pp. 402. $4.50.)

Professor Dulles has presented in these three hundred eighty pages of text (the remainder contains bibliographical notes and index) a concise running account of the historical development of labor organizations in the United States. His "emphasis has been placed upon national organization," and therefore he has omitted any detailed attention to particular unions. On occasion, a paragraph or two is devoted to novel or significant developments in particular unions. The traditional highlights of the history of organized labor have been recounted. One-third of the volume is devoted to the period since 1933. The book provides an accurate, clearly written, sympathetic account of the developments the author has chosen to narrate. In the reviewer's judgment, it is an

account that an intelligent newspaper reader would have gathered over the years; and here that record is summarized in pleasing prose for refurbishing insecure memories.

Within the limitations which the author acknowledges with proper humility, he formulates his hope that "the contemporary scene has been set in the perspective so necessary for any real understanding." If what he means by perspective is induced from the record he presents, it means a chronological essay which incorporates at particular points excerpts from the statements of labor leaders, business leaders, and politicians. On occasion, he talks about "responsible labor leadership" and "responsible leadership in industry" without any clear definition of what is involved, unless the meaning be rescued from such observations as: "It may truthfully be said that labor's gains are in the long runs gains for the nation as a whole. Yet on the other hand, the great unions of today, if for no other reason than their size, can also constitute a threat to democratic society through the arbitrary exercise of their economic power. Labor monopoly can no more be condoned than industrial monopoly. Policies that ignore the public interest are as dangerous when they are the policies of organized workers as when they are those of organized business men. Democracy cannot allow any single group, however broadly based, to attain uncontrolled dominance in the economic or political sphere."

If one is to take these words in some meaningful way, it is difficult to give any objective content. On the one hand, the gain of labor is national gain, yet short run gain may be bad. We sponsor some monopolies in both labor and in industry, and that has not prevented calling the system democratic. If most of the nation is engaged in industry of one kind or another as workers, why is what it wants not the result of a democratic process? What is the public interest that is to solve all controversies if it eliminates most people? This reviewer concludes that we need some concepts which convey clearer notions of what is involved. This volume does not further an understanding of the political process in terms of descriptive categories. The author is inconclusive as between personal ambitions and underlying impersonal forces which push up representatives into the power struggle. In short, there are no clearly articulated concepts which provide a basis for value judgments.

CHARLES B. HAGAN.

University of Illinois.

Public Organization of Electric Power; Conditions, Policies, and Programs. BY JOHN BAUER AND PETER COSTELLO. (New York: Harper and Brothers. 1949. Pp. xvi, 263. $4.00.)

This book is the result of John Bauer's long concern with the problem of how electric power should be organized, controlled, and managed so as to achieve the widest possible use most economically and efficiently. When he first began to think about this subject, he recounts, he favored private organization under public regulation. Since 1930, he has become convinced that the inherent dif-

ficulties of regulation, the conflict between private and public interests, and prevalent corporate distortions make public displacement of private electric systems desirable in the public interest. One chapter is devoted to these corporate distortions, and three chapters deal with the present framework of regulation. But the more original portions of the book are those in which the authors outline their ideas as to the advantages of public power and its proper organization.

Bauer has a definite conception as to the proper rôles of each level of government in power matters. To the federal government he would assign the basic function of making main-load electricity available as economically as possible to all sections of the country. Secondary federal goals would be to remove regional disparities in rates, supply adequate power for defense needs, and provide the basis for national industrial efficiency. The federal program would start with its existing hydro projects, and would develop additional hydro as needed, construct large steam plants at strategic locations, interconnect all its plants, and build high voltage transmission lines for the delivery of power throughout the country.

The state functions would be generation of power to supplement the main loads received from the federal system, furnishing secondary transmission facilities needed to reach the local distribution systems, and direct distribution in areas where the state could do this more effectively than local agencies. The states would be primarily responsible for carrying through the program of acquiring the private electric companies within their borders, though under some circumstances federal acquisition might be more practicable. The municipal rôle would be to take over distribution properties and to deliver electricity purchased from the state systems to the ultimate consumers.

In a chapter on "Public Standards and Techniques," Bauer examines such matters as the best form of organization for public power purposes—he believes the authority form has distinct advantages at all three levels—and the personnel and financial policies which should be adopted in public power operations. On the latter point, he argues the case for the principle of self-sustaining operation, with no subsidies and with local and state tax equivalents provided for.

In all, this book constitutes an able and comprehensive treatment of the case for public ownership and the legal, economic, administrative, and organizational problems it involves.

C. Herman Pritchett.

University of Chicago.

The Nightmare of American Foreign Policy. By Edgar Ansel Mowrer. (New York: Alfred A. Knopf. 1948. Pp. x, 283. $2.95.)

An intelligent journalist with wide experience in reporting events abroad has produced a sharp indictment of twentieth-century American foreign policy. Between the wars, says Mr. Mowrer, most of it was based on fallacious

ideas of the efficacy of law without force or on sentimental, economic, or other bases which ignored the realities that "all politics are power politics" and that policies (even those of the founding fathers) should never be transmuted into articles of faith. Written colloquially, this is a thoroughly stimulating and provocative report, quite excellent for the general reader and as collateral reading in any international relations course.

More than half of the book deals with the years since 1939. Mr. Mowrer finds that President Roosevelt, while ardently desiring peace, successfully prepared the American people for participation in a war few of them anticipated (except for the newsmen among them, whom, in a pre-1948-election bliss, the author credits with near omniscience). Mr. Mowrer has few kind things to say, however, about our war-time diplomacy. His central thesis is that Roosevelt gambled on his (and his country's) ability to get along with Russia after the war, and that he lost his bet. He feels, moreover, that FDR made unnecessary concessions to Russia to seduce her into an international organization which has only been weakened by her inclusion.

In seeking possible alternatives to the policies he criticizes, Mr. Mowrer speculates in the "what-might-have-been" regions where historians fear to tread; and here his book is weakest. For instance, he would have had the United States withhold Lend-Lease aid to Russia until the USSR publicly subscribed to certain conditions, including "full repudiation of any postwar sphere of influence or Soviet advance into Europe or Asia" (p. 156). In view of his own analysis of the nature of Communism, however, it is hard to see how Mr. Mowrer could place any faith in the deterrent force of such a Soviet pledge, which might have been freely discarded once the need for Lend-Lease had passed, the net result being only increased Soviet antagonism for an "ally" who used political blackmail in cases of life and death. Paradoxically, Mr. Mowrer criticizes the United States for attempting to attach political conditions to its aid to the Nationalist government of China in an attempt to "broaden" it.

In his nightmare, Mr. Mowrer sees the creation of a "world Union of Socialist Soviet Republics [*sic*]" (p. 256) if the United States fails to use its power to help create the "requisite alternative to empire [which is] . . . a voluntary federation strong enough to keep world order by the enforcement of world law" (p. 255). Despite his strong feelings on this subject, Mr. Mowrer adopts a very narrow view of the potentialities of the United Nations, likened by him to "an unfinished bridge leading nowhere" (p. 255). He completely ignores the possibilities of the United States completing this bridge by giving the UN a greater share in the administration of policies like the Marshall Plan and by immediately offering to the UN the forces called for under Article 43 of the Charter without waiting for detailed plans to be drawn up by the organization's admittedly paralyzed Military Staff Committee. Such policies could do much to mitigate the horror of Mr. Mowrer's nightmare.

RICHARD N. SWIFT.

New York University.

The Management of British Foreign Policy Before the First World War. By F. Gosses. Translated by E. C. Van der Gaaf. (Leiden: A. W. Sijthoff's Uitgeversmaatschappij N. V. 1948. Pp. 172. Fl. 17–50).

Many aspects of that perennial problem—the application of democratic influences and institutions to the sphere of foreign policy—are well illustrated by this useful study. Translated from its original Dutch, Dr. Gosses' work is rather narrowly circumscribed in theme, but within its limits is penetrating and thorough. The period from 1880 to 1914 is selected for intensive treatment, and the emphasis is laid not on "*what* happened, but in what *manner* and by whose agency." The book opens with chapters on the British governing class, government by amateurs, and the structure of the civil service, which, though they contain no novelties, are an appropriate introduction to what follows. Next comes an analytical study of the Foreign Secretary in various relations—to the Foreign Office, Parliament, the Crown, the cabinet, the Premier, and so on. For his materials the author draws elaborately on the accepted secondary sources and on the mass of biographies and memoirs with which the period abounds. Indeed the apparatus of scholarship obtrudes prominently on every page of text, leaving no authority uncited and few statements unfootnoted.

The evidence thus collected points overwhelmingly to the conclusion that, at a time when an aristocratic society and governmental structure were steadily yielding to the pressures of democracy, the management of foreign affairs continued to conform to pre-democratic patterns. Here it was that the Crown, so long personified by the irrepressible and far from negligible anachronism, Queen Victoria, asserted its ancient prerogatives. Here it was that Parliament intervened seldom and controlled less and less. Here it was that even the cabinet to a large measure surrendered its collective responsibility to the dyarchy of the Premier and Foreign Secretary. Here the nobility so maintained their preserve that most Foreign Secretaries were peers from the upper house and Foreign Office clerks were cousins or sons of ministers.

For all this there were reasons which Dr. Gosses carefully explains. In an era when "splendid isolation" appealed to the world's most powerful and therefore least insecure nation, foreign policy was often placed above the strife of parties. Moreover, of affairs beyond the English Channel most politicians and nearly all the public were profoundly ignorant. Secrecy was the more easily maintained in a field that converged with military considerations and which might call for friendly relations with autocratically organized régimes. Parliament had less occasion to inquire into a department which administered scarcely any legislation and consumed but a smallish appropriation. Hence, as Dr. Gosses states: "In the person of the Foreign Secretary stand revealed the two elements, the expert element on the one hand, the aristocratic element on the other hand, which have always been characteristic of the management of British foreign policy" (p. 167). If the author completes his proposed companion volume on the Foreign Office and diplomatic service, he will be able to throw

yet more light on the agency where recruitment methods made it for so long an annex to the playing-fields of Eton.

LESLIE LIPSON.

Swarthmore College.

A History of the Labour Party from 1914. BY G. D. H. COLE. (London: Routledge and Kegan Paul, Ltd. 1948. Pp. viii, 500. 15s.)

A sequel to the author's earlier work, *British Working-Class Politics, 1832–1914*, the present volume carries the history of the Labour party through the election of 1945. A "provisional" judgment of the record of the first two years of the third Labour government is added in an interesting "Epilogue." An appendix includes a list of Labour party pamphlets published between 1914 and 1947. With the exception of the "Epilogue" and a chapter on "Labour in Local Government," the treatment is chronological. Covering two world wars, a world-wide depression, and the rise of Communism and National Socialism, the years were as momentous to the British nation, and indeed to all mankind, as they were to the Labour party. The author is particularly skillful in showing the impact of world-wide social movements upon Britain and the party.

Mr. Cole writes as a scholar who has carefully studied the record. But he writes also as an active participant in many of the events he describes, and he does not hesitate to offer personal judgments on men and events, or to use the pronoun "I." Condemning the Labour government in the crisis of 1929–31 in what he himself acknowledges to be "strong words," he characterizes Ramsay MacDonald as a leader "who could not make up his mind about anything," and who was "set on retaining office at any price." However, in other cases the author is generous in praise of those with whom he differed. In a moving tribute to George Lansbury, he says: "But despite the aberrations into which his heart-felt pacifism had led him in his last years, he had remained a very great figure—the best-loved man by far in the Labour movement and a symbol of the simple ethical feelings which, however often thwarted, were still the foundation of its mass appeal. . . . I loved him dearly: I have said more than once that he was the only man who could induce me to do things I believed to be mistaken. There was an emptiness when he was gone. . . . "

During the period covered by the present volume, what had once been "only a small fourth party" was reorganized on a truly national basis. Strengthened by the adoption of a new constitution and a new program in 1918, Labour was in office, if not in power, for a brief period in 1924 and again from 1929 to 1931. The crisis of 1931, the split in the Labour party, the organization of the "National" government, and Labour's crushing defeat in the general election of 1931 are described fully. In the fourteen years which followed that defeat, the party was to give a convincing demonstration of vitality. Threatened by revolt on the left and the right, and uncertain of its foreign policy in the critical years 1935–39, it nevertheless was able to strengthen its organization, clarify its doctrine, and emerge unified and victorious in the election of 1945. As one reads the story, one cannot but share the admiration of the author for the "good,

decent men and women" who served the movement so devotedly, and who built a party "strong enough to make a Government bold enough to attempt the transformation of this dear land of ours into a home of security and justice for the common man."

Political scientists will be especially interested in Mr. Cole's description of the tug of war among competing groups within the Labour movement, the cleavages within the party, and the machinery for resolving intra-party differences. One is impressed by the importance of policy discussions and policy decisions in party affairs and by the emphasis placed upon research and education within the party and the movement. The picture which emerges is of a party with an executive which is strong enough to lead but not to dictate, which is disciplined but not regimented, and which carries out its commitments when elected to office. Whatever its faults and unsolved problems—and Mr. Cole points out many—in its internal structure, it seems to have forged institutions fully in accord with the democratic principles which it professes.

LOUISE OVERACKER.

Wellesley College.

The Canadian Bureaucracy. By TAYLOR COLE. (Durham, N.C.: Duke University Press. 1949. Pp. xii, 282. $5.00.)

The new status and significance of Canada in world affairs have been appropriately accompanied by needed additions to its literature. The latest of these, and one of the best, is the result of research by Professor Taylor Cole that was commenced before Pearl Harbor and elaborated by field work in the Dominion in the year 1946–47. Taking as his starting-point the pioneer study of R. M. Dawson on *The Civil Service of Canada*, the author has concentrated his attention on the event-packed period 1939–47. He offers a survey both of the trends in personnel administration which continued Canada's past strivings for a better civil service and also of the impact made by war and its aftermath on systems that were only partially developed and accepted. Thus it is in several respects that this volume makes a notable contribution: to the general field of comparative government, to the knowledge of Canada in particular, and to the problems of public administration operating under conditions of emergency.

The organization of the book is systematic; its writing, clear; the treatment, scholarly and thorough; the appraisal, judicious and fair. The conclusions, which are in places highly critical, flow logically from the evidence discovered and not from arbitary preconceptions. And a work of real discovery it was—as anybody who has intensively studied a British Dominion will sympathetically appreciate. Not only are there gaps in the subject-matter due to the backwardness of the government in administrative technique, but there are others that occur because of the sheer incompleteness of statistical and other information. Thus, on the topic of educating and training public employees, Professor Cole necessarily says very little because in this field Canadian governments have very little to record. Whilst most governments were coöperative

in supplying data when they had it, one of them (namely Quebec Province) would not even reveal the total number of its employees, a matter which relates closely to the spoils politics of Quebec's *ancien régime*. In view of the undoubted obstacles facing the researcher, Professor Cole deserves congratulations for the wealth of information which he uncovered and pieced together. Like the fish market which advertised, "If it swims, we have it," his accomplishment is that, if it was knowable, he discovered it.

That public personnel administration in Canada, though improving, is still immature at both the Dominion and provincial levels is the general conclusion to which this book points. Even the Dominion's Civil Service Commission, strongest of all Canadian personnel agencies, remains more imbued with the attitude of fighting the spoilsmen than with that of positively serving the line departments and their ministers. So discrepant and confusing are the statutes, terminology, and legal classifications that the distinctions between "civil servants," "public employees," "prevailing-rates employees," and "casuals" call for painstaking elucidation. So numerous and varied are the control agencies wielding jurisdiction over personnel that even the basic difficulty of generalizing about any federal system becomes still more complex.

What is more: when one scans the future for glimmerings of hope, one realizes how hard it will be to surmount the many political handicaps that exist. The demand of French-Canadians for more "representation" in the civil service, and particularly for more of the higher-paid posts, will require either a lowering of qualifications or a drastic remodelling of Quebec's traditionalist education. The merit principle in recruitment and promotion will run afoul of veterans' preference and the influence of the Canadian Legion. The admission of university graduates to positions above the lowest rung of the ladder must encounter the hostility of many a union of public employees. Finally, the personnel agencies, such as they are, must perform their jobs with inadequate budgets and staff wrung from a not always friendly cabinet and legislature. If an authoritative book like this, when read in Canada, assists through its findings the case of those Canadians who are pressing for further reform, Professor Cole will have rendered a service over and above his contribution to scholarship.

LESLIE LIPSON.

Swarthmore College.

Essays on Local Government. EDITED BY CHARLES H. WILSON. (Oxford: Basil Blackwell. 1949. Pp. vii, 248. $4.00.)

Local Government Areas, 1834–1945. BY VIVIAN D. LIPMAN. (Oxford: Basil Blackwell. 1949. Pp. x, 506. 25s.)

These useful volumes owe their inspiration to Nuffield College, a generously endowed Oxford institution especially interested in encouraging research in the social sciences. Professor Wilson, fellow of Corpus Christi College, was the immediate inspirer of both books; he edited the essays as well as contributed their first article, and supervised Mr. Lipman in writing the exhaustive study

on local government areas. Indeed, one chapter in Mr. Lipman's book is also reproduced in Professor Wilson's compilation.

Both volumes are a product of the present ferment in British local government, partly caused by the temporary local-control measures of the recent World War and partly the result of the experimentation in new techniques of administration in connection with the nationalization acts. Explicit in Professor Wilson's introductory essay, and more nearly tacit in Mr. Lipman's book, is the feeling that in any reform of local government, the conduct and control of local institutions should remain with those most closely affected by them, and that the building of a regionalism after the pattern of the wartime regional commissioners would be but an undesirable deconcentration of central government control. The several authors are reaching out for the difficult synthesis, as so clearly stated by Mr. Lipman, which will combine the vigor of consciously local self-government with efficiency of an operation which fits the most convenient management area.

Professor Wilson presents his essay and those of his students and colleagues in order to fill some of the gaps in the literature of British local government. His own contribution is a paper on the theory underlying local government, hitherto a considerably neglected field. Mr. Lipman's reprinted essay on areas and boundaries, 1888–1939, is followed by three chapters by Miss Maurine Schulz, one on the local government act of 1929, which she sees as the structural culmination of the epoch-making acts of 1834–35 rather than as a spectacular breaking of new ground. Her other essays deal with local-government finance, one with the block-grant system with its complicated empirical formulae, and the other with the central government's control of local-authority borrowing. In the last essay, Miss Elizabeth Howard discusses joint authorities as one method of combining existing local institutions into larger undertakings more efficiently suited to the service area.

All of the essays except the first are highly technical, and now and then the authors lapse into jargon which compares favorably with the best that Washington can offer. The studies not only present a statutory and legalistic picture, but they also extensively describe the actual operation of selected local institutions. The essays lack an index.

Mr. Lipman, in his impressive work, first describes the development of present-day local-government units, largely in terms of areas. He reminds us that a good deal of experimentation followed the reforms of 1834 and 1835, and that the present structure was not actually well developed until the 1880's and 1890's. In his second section, he brings the material down to 1945 and comments on different proposals for reform—those depending on the creation of new *ad hoc* authorities, those which would set up comprehensive, all-purpose authorities, and those for establishing regional units. In his third section, he deals with the general problem of areas and the various bases on which they can be constructed, such as quantity of land or people, geography, economics, and culture. His examples are chosen not only from Great Britain, but also from the United States, France, and the U.S.S.R. He then discusses the opti-

mum areas for the efficient operation of such local services as education, health, libraries, police, and water supply. He concludes with an analysis of the existing combinations and conflicts of administrative and social areas, and he expresses the hope that an extensive study of actual areas and services would produce local-government boundaries satisfactorily combining community of interest with efficient area of operation.

Mr. Lipman has written an admirable work in a narrow field; yet the scope of it is much wider than the title indicates, because the problem of drawing suitable local-government boundaries goes to the heart of effective self-government.

EDWARD G. LEWIS.

University of Illinois.

Stalin; A Political Biography. BY ISAAC DEUTSCHER. (New York and London: Oxford University Press. 1949. Pp. ix, 600. $5.00.)

This lucid, massive, and highly readable book is bound to appeal to a wide audience. The first of a trilogy which is to include biographies of Lenin and Trotsky, this account of Stalin's life and doings is the best on the subject to appear to date. The author, a Polish-born journalist residing in London since 1939 and a staff member of the London *Observer* and *The Economist* since 1942, possesses intimate knowledge of Russia and Communism and has based his study on documentary sources, supplemented by accounts of impressions obtained from diplomats and politicians who had come into contact with Stalin. As in previous biographies of Stalin, there is more emphasis on "politics" than on "biography" in this political biography, partly due to the author's predilection, but chiefly because of the dearth of information on the private life of the subject. The author has been able to utilize several new Soviet sources, and he has also made use of the recent memoirs of Western statesmen. Where this study differs most from the earlier ones is in the high degree of objectivity which it attains and in its wealth of psychological insight. It is also distinguished by an altogether masterful style of presentation.

The portrait of Stalin which emerges from Deutscher's pen is that of a shrewd, secretive, physically small but strong man, possessed of cool nerve and unbending will, who—despite intellectual inferiority to his erstwhile colleagues on the Central Committee—made his reputation with Lenin through his innate knack for practical accomplishment. Conscious of his humble social origins and cultural background and of his expository shortcomings, yet intensely proud, self-confident, and ambitious, he rose progressively to the highest leadership through slyness, ruthlessness, tactical skill, an infinite capacity for work, and great organizing ability. Deutscher confirms the fact of Stalin's important, though originally little known, work in the underground and civil war periods, deflates official claims of Stalin's rôle in 1917, but credits him fully for Russia's great industrial and agricultural transformation, educational progress, and recent military victory. Indeed, he tends to over-emphasize Stalin's exclusive rôle. At the same time, he depicts with great skill the super-cautiousness, vacil-

lation, zigzags, and suspicion which have often marked Stalin's thinking and activity, making much of the "planned" framework of government and politics, a patchwork product of trial and error, paid for by endless sacrifices on the part of the Soviet people. The author offers suggestive interpretations of Stalin's numerous miscalculations, especially in the field of foreign policy, of his rôle and motives in the purges, of the interaction between Russian tradition and Marxist ideology in Stalin's make-up and the resultant impact on Soviet society, of Stalin's use of ceremony and symbolism as instruments of power, of the country's receptivity to his theory of "socialism in one country," and many other subjects. It is these incisive probings into the nature of the man and the inner springs of the political machine that make this volume a rich contribution to the literature on the U.S.S.R.

In any book on the complex theme of Russia, some gaps or errors are perhaps unavoidable. The treatment accorded some topics, the Constituent Assembly (p. 186) or the Communization of Eastern Europe (p. 533), for example, appears one-sided. The author's notions of the powers of the Inspection Commissariat (pp. 214, 230) are exaggerated. There was a Union Council, but not a "Supreme Council" (p. 245) in the Central Executive Committee. This reviewer deems incorrect the interpretation that wage differentials have impeded "the cultural and industrial progress of the nation as a whole" (p. 339), that Socialism in the Russian zone has become "the supreme objective of political strategy for a whole historical epoch" (p. 554), and that there is an emphasis "on habeas corpus and on the rule of law" (p. 361, note.) There never has been, and there is not yet, any habeas corpus in the U.S.S.R., and the new positivism on law is not intended as a limitation on the powers of the highest rulers. These weak spots do not, however, detract from the general excellence of the book. Students of government in particular will find it very stimulating and profitable reading.

JULIAN TOWSTER.

Washington, D.C.

Politics Among Nations; The Struggle for Power and Peace. By HANS J. MORGENTHAU. (New York: Alfred A. Knopf. 1948. Pp. xv, 489, xix. Trade, $5.50, text $4.25.)

This is the most mature and scholarly book yet to appear in its field. And it is the one most likely to convince even the skeptic that world politics has now come into its own as a distinct branch of learning. The author accomplishes the feat of turning upon the subtle and complicated problems of international relations the light that is available from all pertinent disciplines. Bringing to his subject a fresh approach, he sets out with admirable clarity, and with an insistence at times verging on redundancy, to destroy many well-rooted myths (for example, reliance on public opinion as an effective sanction, the supposed virtues of "open diplomacy," and collective security as a bulwark of peace). He also renders a great service to both teachers and students by putting the right questions, but without any claim to have all the answers. In fact, often

he can do little more than present us with a number of vicious circles from which, at this stage, we can see no easy escape. But any real progress toward peace and stability among nations will be impossible unless the basic difficulties, without further illusion, are carefully understood and resolutely faced. Here Professor Morgenthau's work should prove a great help.

The author builds his concept of world politics around state power as its central and all-important corps. After presenting an original definition of power, and analyzing its essence and constituent elements, he gives us his personal evaluation, describing the rôle of power in the play of diplomatic, ideological, imperialistic, and military rivalries. While this struggle for power is the main characteristic of relations between states, the latter, laboriously and precariously, have striven to place certain limitations upon the use of power, but with largely negative results to date. These limitations are: the balance of power, international morality, world public opinion, and international law. Then follows a section on world politics in the mid-twentieth century, with its formidable problem of total war, and a section on the problem of peace in the same period. Here is a discussion of disarmament, security, judicial settlement, peaceful change, and international government. In this section appears the most destructive criticism and the most discouraging array of vicious circles, already mentioned. Incidentally, the treatment of the various international organizations is almost entirely analytical rather than descriptive, with emphasis on problems and principles, leaving, quite properly it would seem, a more structural treatment to writers on international organization.

In a final section we find a brilliant study of the place, actual and potential, of diplomacy among nations. At this point the author presents his main thesis, namely, that if the world is ever to reach the happy state of peace and security, it will be through a revived and reformed diplomacy. Diplomacy, in the author's view, has suffered a sad decline in modern times, particularly since 1930. The reasons are set forth with great lucidity, followed by the most precise suggestions for diplomacy's revival in the form of "four fundamental rules" and "four principles of compromise." It is only through a wise and effective diplomacy that we can advance toward that final world state without which, the author is convinced, there can be no permanent peace.

JOHN B. WHITTON.

Princeton University.

Last Call for Common Sense. By JAMES P. WARBURG. (New York: Harcourt, Brace and Company. 1949. Pp. 311. $3.00.)

Western European Union. By R. G. HAWTREY. (London and New York: Royal Institute of International Affairs. 1949. Pp. 126. 5s.)

For many years, James P. Warburg has sought diligently to find out what the truth is about the main issues in our foreign affairs and to state it in clear, simple terms. This book covers the period 1948–49, during which Warburg studied European politics on the spot and filled some fifty public engagements

in this country. The appendix contains seven valuable documents, such as the text of the North Atlantic Treaty.

To the reviewer, this is the most significant book of the year. It is based on independent thinking and sound knowledge to a unique degree. It describes the process by which "the dangerous misapprehension that Russia alone is to blame for the present world crisis" has been "sold to the people by exaggerated appeals to emotion and prejudice" by the government, which in turn "itself becomes infected with the unreasoning fear and hate which it has engendered." The book demonstrates that the crisis is due to four major factors, of which Soviet fishing in troubled waters is only one.

Warburg pleads throughout for abandonment of the negative policies which having gripped us in recent years, for backing the non-Communist progressive movements throughout the world, and for powerful support of the United Nations while we are building it into a real world government. He hammers consistently upon the thesis that we cannot spend vast sums upon arming North Atlantica and at the same time finance the economic and social health which is the only real antidote to Communism. He advances powerful reasons for the belief that Communism ought to be defeated as a by-product of constructive policies and that efforts to smash it by head-on attack are self-defeating. Noting that both partners in our bipartisan foreign policy "are ready to employ our own military force, if loud words, lavish dollars, and military bluster fail to do the job," he warns of the disaster in military solutions and cautions that if we spend fifteen cents of our federal tax dollar for peace and forty-five cents for war, we are not likely to get peace.

Some of the most pungent chapters record the results of Mr. Warburg's observations in Europe. He doubts that the Marshall Plan can produce peace, because its original scope was too narrow, because it is undernourished, and because it has become "submerged in the surrounding atmosphere of the Truman Doctrine." He found, also, that "Germany—not Russia—is still, in the minds of vast numbers of Europeans, the psychological storm center of Europe."

He did not find reassurance in the Ruhr agreement, which "bars the way to socialization and opens the door to a recapture of control over the German social structure by the very elements that have in the past made Germany a warrior nation." He is not reassured, either, by the Atlantic Alliance. The creation of the forty divisions in Western Europe deemed a minimum force for holding the Rhine "would require a mobilization of manpower sufficient to disrupt the present efforts to achieve economic recovery." Warburg's advocacy of world government is impressive and sincere.

In his *Western European Union*, R. G. Hawtrey is occupied with the difficulties as they confront Britain. Pressure upon Britain from the United States to merge her fortunes with Western Europe is strong, and there is much sentiment for Western Union in Europe. What shall Britain do about it?

Hawtrey's answers are the report of a study group at Chatham House. Like Warburg, he finds that fear of Germany is a great source of weakness in the Western Union concept. Surveying the growth of the movement historically,

he concludes that for Britain "anything in the nature of actual federation would raise formidable and probably insurmountable problems."

A meaty chapter on economic coöperation indicates the dangers of closer unity with countries which have not controlled inflation or established controls that will prevent wasteful imports and ration fairly the available commodities. He does not look forward to the establishment of a customs union with Western Europe "at any future time," nor to a merger of armed forces or a common currency. Something can be done to create mass production industries, i.e., automobiles, by specific agreements in each case to assure the necessary European market. Long-term planning by a Western European agency could also contribute greatly to the establishment of new industries and a lessening of the need for dollar imports.

Accepting the fact that "Europe must continue for a time to be divided," he welcomes a restricted Western European Union as a means of gaining "an interval of let-live, in which fear and fanaticism can subside." About the whole East-West conflict, he is sure that "no worse method of settling the issue could be imagined than trial by battle."

From wholly independent viewpoints, the two authors agree that abatement of the present mutual fear between East and West is not to be found mainly in military measures.

DENNA F. FLEMING.

Vanderbilt University.

BRIEFER NOTICES[1]

AMERICAN GOVERNMENT AND POLITICS

Kurt London's *How Foreign Policy Is Made* (D. Van Nostrand Co., 1949, pp. x, 277, $3.50) is not a profound or exhaustive study, but it is a useful survey for the general reader. It puts conveniently together a number of things and discusses them in terms of modern needs. It describes the organization of the Department of State and other foreign offices, but it does not show how a policy is evolved or who makes it. Is such a policy the collective product of a Department of State staff, or does one man make it? How far does the voice of the people count? For democracies, much elaboration of Chapter II is needed. Part I deals with the elements of foreign policy—physical, economic, demographic, technological, and ideological ("technology has outdistanced ethics and social conceptions," p. 31), national stereotypes of behavior, etc.; with factors involved in policy-making, such as domestic politics, public opinion, economic aims, military strength, and the influence of various organs of government; and (Chapter III) with intelligence, which is a valuable chapter for congressmen to read ("no foreign policy can ever be stronger than the information upon which it is based," p. 81). Part II, "Formulation of

[1] The Bureau of Government, University of Michigan, requests that the price of its bulletin, *A Manual of State Government in Michigan*, indicated in the October issue of the REVIEW (p. 1098) as $5.00, ɔe announced as $2.50.

Foreign Policy," describes organization and constitutional problems in the United States, Great Britain, France, Nazi Germany, and the Soviet Union. This is a somewhat sketchy survey, as is also Part III, "Execution of Foreign Policy," which briefly describes the machinery and methods of diplomacy. Throughout the book, the author is aware of new factors and needs in an interdependent world, in which a conflict of ideologies results in the upholding of national sovereignty. This trend is opposed to another trend, described in Part IV, with regard to collective diplomacy through the United Nations and the problem of adjusting a national foreign policy to an international policy upon which security, the ultimate objective of any foreign policy, depends.—CLYDE EAGLETON.

Harold G. Moulton, economist and president of the Brookings Institution, appraises the influences affecting the economic future of the United States in his *Controlling Factors in Economic Development* (Brookings Institution, 1949, pp. 397, $4.00). His approach is first to look backward over the last century and a half and then to look forward into the coming one hundred years. In Part I, "Looking Backward," he shows how the dismal forecasts made a century or more ago by the early classical economists proved entirely erroneous. Their expected "stationary state" did not materialize because they did not assess adequately the great developments in modern science and technology and the improvements in economic organization. Despite recurring business depressions, tremendous progress was made in lifting the plane of living for masses of people. In Part II, "Looking Forward," Moulton indicates national economic goals which, in his view, involve a progressively increasing national income, its wide division among the people, increased economic security, and the free expression of individual initiative in a free enterprise society. He reviews alternative types of economic organization and concludes that a not too strongly regulated private enterprise system will serve mankind best. As for the coming century, Moulton finds it entirely possible that, on the basis of the economic potentials, a doubled population in the United States can enjoy an eight-fold increase in the standard of living. To accomplish this, we must (1) protect our national resources, (2) increase productivity, (3) promote large-scale enterprise, (4) maintain monetary stability, (5) maintain fiscal stability, and (6) progressively expand mass purchasing power. Although the troubling problem of business instability cannot be solved, Moulton does believe that coöperative action by industry, labor, agriculture, and government can mitigate depressions. Brief mention is made of the world outlook in the concluding chapter.—NATHAN L. SILVERSTEIN.

Among significant developments in government during the past fifteen years has been the establishment of bureaus of public administration or of governmental research, usually in conjunction with state universities or colleges. In their *Research, Education, and Regionalism* (Bureau of Public Administration, University of Alabama, 1949, pp. xiii, 234), Rowland Egger and Weldon

Cooper begin reporting on their survey of some twenty such bureaus. This first report covers the initial decade of the Alabama Bureau from 1938. The authors state that this series of monographs is to be primarily descriptive, save for the last volume, which is to contain a comparative analysis and critical appraisal of all the bureaus studied. While this desire for perspective is commendable, it is regrettable that the authors have not drawn some tentative conclusions from their own rich background of experience. Too often, appraisal volumes have a way of not appearing. At any rate, it is to be hoped that the promised evaluation will include an assessment in terms of community interests and problems of the importance of the subjects with which the bureaus have dealt in relation to those with which they might have dealt. From this study, it would appear that the Alabama record bears critical analysis in this respect successfully, although the judgment of the authors would be helpful. Despite their disavowals, however, the authors lead the reader to the conclusion that the Alabama Bureau has done a good job. In virtually every field with which it has been concerned, it has been a pacemaker. This study is, moreover, not only the story of the first decade of a significant governmental institution; it is also a tribute to Roscoe Martin, the Bureau's first director. Most political scientists would be proud to have a similar testimonial to ten years of work.—NORMAN WENGERT.

A Short History of OPA (Office of Temporary Controls, Office of Price Administration, U.S. Government Printing Office, 1948, pp. vi. 332), by Harvey C. Mansfield and associates, is the last of a series of fifteen studies recording the history of OPA and some of the problems in price control. In the arrangement of the material, the subjects dealt with at greatest length are price control operations, rent control, rationing, and administrative organization. Interesting brief discussions cover such matters as the background of the agency, the use of volunteers, the task of enforcement, judicial review, and securing public support. With respect to each subject, the authors invariably include a chronological account of developments, an analysis of difficulties encountered, and explanations of decisions for specific courses of action. To write the history of one of our much maligned and perhaps most controversial civilian war agencies is not an easy assignment. Since the authors were leading participants in the enterprise, it would be unreasonable to expect them to produce a thoroughly objective and unbiased account of the agency's history. The record which they give us is nevertheless a faithful presentation. Although the tone at times seems apologetic, the limitations and shortcomings of OPA are by no means suppressed. One of the highly commendable features of the study is that it reminds the reader of the setting which conditioned OPA operations and which made the whole problem of controls so difficult and complex. As an historical record, this seems to the reviewer of tremendous importance. The literature of public administration is greatly enriched.—MARTIN L. FAUST.

Trade-unionism in the United States antedates the Constitution and has

come to be as traditionally American as the system of free and competitive enterprise. In fact, it has been considered an implementation of the ideal of equality in its application to the bargaining power of the worker and the employer, and consequently as a vital factor in the progressive democratization of this country. That the practical operation of the labor organizations has involved conflict and incidental waste and has presented more and more baffling problems is, of course, obvious; but the thesis expounded in *Unions and Capitalism* (Yale University Press, 1949, pp. xi, 267, $3.75) by Charles E. Lindblom will seem disturbing to many readers. In the preface, it is stated that "the thesis of the book is that unionism and the private enterprise economy are incompatible; that once unions become strong, the attempt to maintain our economy as it now stands produces unemployment or inflation." The eighteen chapters of the volume are used to present the facts and explanations supporting this thesis. No crusade or attack is involved, no attempt to identify the right or the wrong, no presentation of a constructive solution—only the analysis and the interpretation of the available facts. As "an anti-competitive institution in a competitive environment" (p. 19), in the long run, "unionism is destroying the competitive price system" (p. 4) through its monopolistic control of the nation-wide price of labor achieved —not by its authority over apprenticeships or its restraints on man-hour output or the closed shop, but by its power over the employer and the management by the strike. With unions in this dominant position, what forces can restrain them from exercising the tyranny implicit in their monopoly? The threat of unemployment, employer resistance, self-restraint, governmental regulation, industrial democracy, are all ineffective and inadequate. To this old but increasingly aggravated conflict between liberty and equality in the industrial realm of the democratic order, Professor Lindblom offers no solution in this volume. He contents himself with a clear presentation of his thesis, supported by sufficient evidence and argument to make it challenging, but certainly not enough to remove it from the domain of the controversial.—ARNOLD J. LIEN.

In *Removal and Return; The Socio-Economic Effects of the War on Japanese-Americans* (University of California Press, 1949, pp. 259, $3.75), Leonard Bloom and Ruth Reimer have made available for students of government a well-documented, soberly-statistical report on what has been called "our worst war-time mistake." Comparison of the occupational and financial status of Japanese-Americans in California in 1940 and 1948 makes it clear that if, as certain evidence suggests, the advocates of evacuation were moved by economic considerations, their wishes have been broadly realized. Using the most careful research techniques, the authors estimate that the 25,000 families and 6,800 single-person households involved suffered combined income and property losses totalling $367,486,000. Yet Public Law 866 of the 80th Congress authorized claims payments only in the amount of $10,000,000. Those families who before the war were engaged in the fishing industry operated from and on Terminal Island in Los Angeles probably suffered greater injuries than those

in any other occupational or locality group. But losses were severe in every category. It appears, for example, that postwar farm holdings by Japanese-Americans will not rise much above one-fourth of the prewar acreage. One of the "clearest and most important trends" in the postwar period has been the substantial increase in the number of Japanese-Americans working as contract gardeners. This is the business of calling at private homes or at institutions several times a month and, at a fixed charge for the service, watering, cutting lawns and trimming hedges, tending flower gardens and disposing of the cuttings. The text is replete with charts and tables, and the appendix includes all the forms and schedules used in the investigation.—JOHN A. VIEG.

Antitrust Laws et al. v. Unit Operation of Oil or Gas Pools. (American Institute of Mining and Metallurgical Engineers, 1948, pp. ix, 300, $1.50), by Robert E. Hardwicke, opens with a general survey of Henry L. Doherty's effort during the years following World War I to convince oil producers and public officials of the necessity for unit operation of oil and gas pools, in the interest both of conservation and of greater total recovery of oil or gas from a pool. The author then outlines the special studies made by the American Petroleum Institute, the Federal Oil Conservation Board, and others, on the advantages of unit operation and obstacles posed by federal and state antitrust laws. The study contains extensive footnotes and references on oil and gas production, and nearly one-half of it is composed of an appendix which reproduces relevant illustrative documents. The author points out in conclusion that as yet there are not federal judicial decisions which bear directly upon the application of the Sherman Act to unit operation. There is some evidence, however, that the courts will not invalidate the practice when it appears clearly to be a conservation measure. This study doubtless should be useful to oil men, and may serve as a handy reference for political scientists interested in unit operation of oil or gas pools.—ALDEN L. POWELL.

The latest in the rash of "how" books on politics, Hugh D. Scott's *How to Go into Politics* (John Day, 1949, pp. 197, $2.75), is one of the best. Although the author was national chairman of the Republican party at the time when the book was published, it is not at all partisan. Scott begins by describing party organization and by advising would-be participants to start at the bottom, in a youth group or as a precinct worker. The party structure he describes is Pennsylvanian or Middle Atlantic, and a Western or Southern reader will find some of it inapplicable to his state. The chapter on public speaking contains more pertinent and usable suggestions than many textbooks on the subject. Using the question and answer method, Scott makes many good points about politics in general, public issues, party tactics, and the legislative process. His interesting approach to the conduct of elections is indicated by the chapter heading: "We Wuz Robbed." Throughout, the reader's interest is sustained by extensive use of humor, excellent cartooning, and a wealth of quotations. The appendix contains thirty pages of questions and answers quoted from Wright

Patman's *Our American Government.* Teachers of government may find Scott's book a useful tool in stimulating students to participate actively in party politics.—DEAN E. MCHENRY.

A Manual of State Government in Michigan (University of Michigan Press, 1949, pp. 266, $2.50), prepared by the state Department of Administration and the university Bureau of Government, is a complete revision of a similar work published eight years ago. The present volume goes far beyond administrative agencies, however, to include sections dealing with the legislature, the judiciary, and miscellaneous activities. Well organized in its principal divisions, the manual benefits from the lucid summary given such entry. In the appendix, Table I provides a convenient listing of Michigan's departments, boards, and commissions, and Table II indicates the method of selection of department heads and of commission and board members as well as tenure of office. Altogether, the volume is an impressive and well done job of bringing a mass of information within somewhat restricted limits. Manuals of this sort in other states would be valuable contributions to students of state government.—ROBERT BAKER HIGHSAW.

FOREIGN AND COMPARATIVE GOVERNMENT

The Two Constitutions; A Comparative Study of the British and American Constitutional Systems (Van Nostrand, 1949, pp. xii, 210, $3.00), by the late Harold Stannard of *The Times,* is not simply a juxtaposition of two national systems. It is a rich, although short, comparative and historical study of a kind too seldom encountered by students. The author has two purposes. First, to inquire how it happens that governmental institutions in the respective countries, springing from a common root, stand in such sharp contrast to each other. Second, to bring readers on both sides of the Atlantic to a realization of the identity of purpose underlying institutions mutually contradictory in appearance and essentially indigenous in character. The purposes are admirably fulfilled in a highly successful attempt at semantic reduction. One major difference between the two constitutions is explained by the central problems confronting each country. In England, it was the establishment of a responsible executive. In America, it was holding the thirteen states together. The American president is shown to be very like a Tudor monarch with certain eighteenth-century refinements and a time limit. A lot is made of the extent to which American politics are governed by the constitutional clock. Full consideration is given also to the widely different measures of authority enjoyed by both legislative branches composed of the representatives of the people under British and American constitutional practice. It will be hard to find a better description of the rise of Parliament to its present position in such a succinct statement. The American Senate is discussed in the light of both the House of Lords and the King's Council, and better understood from the vantage point of English precedents. The origins of political parties in each country and their functions in relation to the machinery of government are analyzed. As a lawyer,

the author shows the to be expected interest in the "law of the land" concept. American students, on reading this book, will enjoy and profit from the author's wise and incisive interpretations of the American constitutional system, and meanwhile review in most readable fashion much that is worth knowing, although often neglected, concerning the origin and growth of the English political institutions so fundamental to understanding our own. This book somehow calls to mind the writings of Henry Jones Ford, particularly *Representative Government* and *The Rise and Growth of American Politics*.—JOHN A. PERKINS.

Students of the history of German political ideas and institutions in the nineteenth century will welcome a work by Arnold H. Price, *The Evolution of the Zollverein* (University of Michigan Publications in History and Political Science, Vol. XVII, University of Michigan Press, 1949, pp. xi, 298, $3.50). The author succeeds well in his aim of presenting a critical history of the origin and growth of ideas and institutions which led to Germany's economic unification between 1815 and 1833, prior to Bismarck's later political achievement. Contemporary ideas on economic unification are analyzed critically and presented, together with a detailed examination of the technical and administrative history. A special chapter deals with "Popular Views on Economic Unification, 1820–33." While, as pointed out by the author, the actual founding of the *Zollverein* was the work of governments, the latter were impressed by increasing popular economic dissatisfaction, and the ideas of the time furnished the background for the events leading to economic union (pp. 159–160). The suppression of liberal thought by reactionary governments under the leadership of Austria after 1819–20 deprived the German people of an exceptional opportunity to take an active part in their development as a nation, with its value as democratic political education. Dr. Price's study is carefully documented and indexed. The extensive annotated bibliography consists almost entirely of German sources. A "Bibliographical Survey" of some eighty *personae dramatis*, a "Glossary" of terms characteristic of this period of German history, and a "Chronological Table" form valuable appendices which invite imitation in similar important but necessarily highly specialized studies.—JOHN BROWN MASON.

Almost one hundred specialists have collaborated on Klaus Mehnert and Heinrich Schulte [eds.], *Deutschland Jahrbuch 1949* (West Verlag, Essen, 1949, pp. viii, 502), dealing with the period from May, 1945, to October, 1948. This yearbook is the first one dealing with the country as a whole, as in the past Germany had produced only specialized reference works. It provides detailed information on German area and population characteristics; governments (both Allied and German), constitutions, parties, public finance, taxation, law and the judiciary; the economy in its various branches and organizations; labor and employers, coöperatives, housing, public health, social security, and relief; churches, schools, libraries, and research; and art and culture, including the

press and book publishing; the fine arts, movies, radio, etc. The appendix includes a convenient, though limited, *Who's Who* of leading German personalities. The book provides an excellent and welcome overview of Germany's present problems and resources, both human and physical, her progress toward relief and rehabilitation in their many phases, and the part taken by the Germans, military governments, and private foreign organizations. Quite naturally, information on the Soviet zone is incomplete. The objective method of presentation of facts and interpretations is as welcome as the care with which data have been assembled from innumerable and often inaccessible sources.—JOHN BROWN MASON.

Lectures on the Town and Country Planning Act, 1947 (London: Stevens and Sons, 1949, pp. x, 124, 9s. 6d.), by R. E. Megarry, is written, according to the author, primarily for the general practitioner and seeks to blaze a trail through the legislative jungle of what "is indeed a dreadful Act" from the point of view of complexity. The author does not discuss the philosophy of the act, but considers only its technical provisions. While the lectures will be of great value to professional men in this field in England (lawyers, surveyors, valuers, and estate agents), they will be of little interest to the general reader. The reasons behind, or the justification for, planning and the control of land-use are not considered.—CHARLES M. KNEIER.

INTERNATIONAL LAW AND RELATIONS

President Truman's recent announcement regarding Russia and the atomic bomb adds emphasis to the importance of Halford L. Hoskins, *The Atlantic Pact* (Public Affairs Press, 1949, pp. 104, $2.50). There is no agreement among commentators on the new situation created by atomic developments in Russia as to whether it brings war closer or not. Dr. Hoskins, writing before the President's news release, is quite sure, however, that the proper "implementation of the Atlantic Pact will not only avert the danger of war in the near future but even, within a measurable span of years, reduce it to an unlikely contingency." Even though this little volume is written from a point of view obviously friendly toward the Atlantic Charter, it serves a real purpose in bringing together many pertinent factors of American foreign policy during the last ten years that resulted in the Charter's creation. At the same time, the author realizes that many questions are left unanswered in the future relations of the United States with the North Atlantic Pact countries. Also the relations of the countries in this new regional agreement with other powers, particularly Russia, leave certain doubts in the minds of many people as to the workability of the Atlantic Pact. But when we consider alternatives to the Pact, we are faced with the realization that they seem to offer even less chance of preserving peace. Certainly President Truman's statement on Russia and the bomb will add immensely to the force of public opinion in this country in support of the Atlantic Pact and its adequate implementation by all means necessary. The immediate cost of such action will be regretted, but not opposed, by the overwhelming

majority of the American people. Dr. Hoskins' book also contains a selected list of documents relating to the Atlantic Pact, adding much to the volume's value for both the layman and the student of international relations.—CARL M. FRASURE.

In his *International Law: Vol. I, International Law as Applied by International Courts and Tribunals* (second edition, London, Stevens and Sons, Ltd., 1949, pp. liv, 681, £ 3 3s.), Georg Schwarzenberger has revised and brought up to date his outstanding book which first appeared in 1945, and which was favorably reviewed in this REVIEW, Vol. 40, No. 3 (June, 1946), at p. 595. No fundamental changes have been made; the book was and is a masterful systematic presentation of the rules of international law as evidenced by decisions of international tribunals, particularly those of the World Court and the Permanent Court of Arbitration. As in the first edition, the material is presented under seven main headings: foundations of international law, international personality, state jurisdiction, objects of international law, international transactions, war and neutrality, and the law of international institutions. A considerably expanded introduction and second chapter discuss the inductive approach to international law and criteria for determining the relative significance of the sources and evidences of international law—pages demanding the careful attention of any international lawyer pretending devotion to an intellectually honest positivism. A new chapter (32) on war crimes presents a refreshingly realistic and restrained analysis of the Nuremberg judgment, and the chapters on international institutions have been reworked to take into account the new postwar agencies to the extent, at least, that they have been the subject of comment or interpretation by international judicial organs. The seven international judgments and two of the other items which constituted the appendices of the first edition have been replaced by the U. N. Charter, synoptic comparisons of the statute and rules of the International Court of Justice with those of the Permanent Court, a list of declarations under the Optional Clause, and an excellent selected bibliography compiled by T. C. Green. For the rest, the changes consist for the most part of insertions at the appropriate places of material which has become available since the first edition, principally, though not entirely, in the opinions of the International Court of Justice and the Nuremberg Tribunal. That all of this adds up to a volume of increased value and utility there can be no doubt. Impatience alone is the excuse for expressing the hope, however, that any further new editions of Volume I will be deferred pending the earnestly anticipated appearance of Schwarzenberger's other two projected volumes—"International Law as Applied in British State Practice," and "International Law as Applied by the Courts within the British Commonwealth and Empire."—VALENTINE JOBST, III.

Occasionally there comes to the attention of a reviewer a book about which he can say, "Now this won't have to be done over for a long time to come." Such a book is Adda Bruemmer Bozeman's *Regional Conflicts Around Geneva;*

An Inquiry into the Origin, Nature, and Implications of the Neutralized Zone of Savoy and of the Customs-free Zones of Gex and Upper Savoy (Stanford University Press, 1949, pp. xv, 432, $5.00). Mrs. Bozeman, professor of international relations and history at Sarah Lawrence College, acknowledges her great debt to the Hoover Library on War, Revolution, and Peace. The monograph throughout reveals meticulous scholarly use of rock-bottom source materials. Long in process of production (apparently the work was finished in 1941), the book reflects commendable maturation of thought. It is a study of the geographic, economic, historic, political, diplomatic, and legal aspects of the Geneva region, from Caesar's day forward through Article 435 of the Treaty of Versailles and the judgments of the Permanent Court of International Justice into the 1930's. This is really a specialist's book for specialists—particularly the diplomatic historian, the international trade economist, and the international lawyer. The latter will find much to interest him in the discussions of servitudes, the *clausula rebus sic stantibus*, stipulations *in favorem tertii*, and neutralized zones. Long in the making and officially constituted in 1815, the Geneva customs-free zones "are an institution designed to meet essentially local problems." The author warns against superficial analogies drawn from their existence. These and other free zones illustrate, however, "the necessity of supplementing political boundaries by arrangements short of actual transfers of land, wherever geography and history do not support the unrestricted application of the political concept of absolute sovereignty" (p. 384). More maps interspersed throughout would have helped the reader follow the tortuous negotiations.—HENRY REIFF.

Erich H. Jacoby's *Agrarian Unrest in Southeast Asia* (Columbia University Press, 1949, pp. xvii, 287, $4.00) might suggest that perennial disquiet, bordering on revolt, is characteristic of Southeast Asia; but in the prewar era this was true only for a few areas, such as Central Luzon and Lower Burma. The book is a survey of agrarian problems based on the extensive literature and on personal observation in the Philippines during the Japanese occupation. After a general survey of the situation, the specific problems of the various countries are examined. In a final chapter, Jacoby relates the agrarian questions to the national movements. The author says in the introductory chapter that colonial rule is not responsible for all social and economic evils in the area, but that the fundamental cause is "economic dependence." This approach certainly allows a wider view of these problems, as J. B. Condliffe has so well pointed out in his foreword. The author, however, characterizes a dependent economy as a "subsidiary relation to the economy of the colonial power." And thus he is back at the usual starting line for studies of this kind. Yet, Jacoby has to admit that the fundamental pattern in Siam is not different from that in political dependencies. To call this "hypocolonial" is a convenient, but not enlightening, stretching of terms. Jacoby tries to prove that national movements in Southeast Asia are deeply rooted in peasant life. However, nationalism is fundamentally a Western importation that thrives first of all among the intellectuals

and is only gradually spreading among the peasant population. The peasant may identify nationalism with his desire for land reform, but that is a different matter. The book would have been better if the author had made less effort to fit the facts into his theory.—JAN O. M. BROEK.

POLITICAL THEORY AND MISCELLANEOUS

Leo Strauss's monograph, *On Tyranny; An Interpretation of Xenophon's Hiero* (Political Science Classics, 1948, pp. xiv, 121), is the first of a proposed series of critical works designed to complement the reprint Political Science Classics. Professor Strauss finds that Xenophon's primary purpose was an analysis of the difference between the life of the political tyrant and that of the private (wise) man in terms of utility. It is especially notable that Xenophon finds the common standard necessary to meaningful comparison in an egoistic, extra-legal hedonism. In this concern for the pleasure of the "real" man, Xenophon approaches the attitudes and standards that have conditioned the political science that began with Machiavelli. However, tyranny for Xenophon was essentially, if not unqualifiedly, faulty, and knowledge of virtue is prescribed both as a necessary means to the tyrant's pleasure and as a therapy for the ills of tyranny. In effect, a wise man must become the ruler of rulers. In this, in the idea of objective determination of virtue, if only as means, and in his emphasis on virtue to the exclusion of freedom, Xenophon is akin to his contemporaries. In short, his work provides something of a bridge between modern and classical methods and problems and permits some insight into the nature of contemporary tyranny. Thus the book offers more than a gloss on the *Hiero*. Professor Strauss is indeed concerned with meticulous internal criticism of Xenophon's work; but he is concerned also with suggesting the more general conditions of tyranny and with demonstrating both the nexus between classic and modern political science and the current relevance of Xenophon's analysis of tyranny. The result is a book that is both interesting and very able. —THOMAS P. JENKIN.

When an author "discovers" another, he often tends to be uncritical in order to convince his readers of the importance of his discovery. Gilbert Picot has avoided this pitfall in his work on *Cardin Le Bret (1558–1655) et la Doctrine de la Souveraineté* (Nancy: Société d'Impressions Typographiques, 1948, pp. 229), which is, according to its preface, the first study on the life and writings of one of Richelieu's principal lieutenants. The author shows that Le Bret's *Traité de la Souveraineté* (whose first edition appeared in 1632) constitutes a fruitless attempt to amalgamate the doctrines (1) of both absolute and limited monarchy, (2) of both the divine right of kings and the social contract. Le Bret derives the sovereign's authority from God, but also (not unlike Hobbes) from "the first men" who gave the king sovereign authority to protect them from one another. Le Bret's sovereign (like Bodin's) is bound by natural law to insure the people's welfare; his subjects, however, are not allowed to question whether his decrees are just (but must "presume that they are"); the chancellor, on the

other hand, has the right to refuse to countersign royal decrees which he deems unjust. By providing a clear analysis of this treatise, as well as the necessary biographical and historical background, the author has acquainted us with a work which, although lacking in originality and consistency, is of some interest as further evidence of the conflicting currents of political thought prevalent during the seventeenth century.—FELIX OPPENHEIM.

In his *Patriarcha and Other Political Works of Sir Robert Filmer* (Blackwell, 1949, pp. 326, 12s. 6d.), Peter Laslett has edited in scholarly manner an original manuscript of *Patriarcha* that has recently come to light in the Filmer ancestral home. He has also largely rehabilitated Filmer by proving *Patriarcha* a mere first draft and laying stress on the later political works which, unlike *Patriarcha*, were printed in the author's lifetime. Despite insistence upon the biblical accounts of Adam and Noah, Filmer is on firm ground in insisting that man is born unfree as a dependent child in a family unit. He refutes the attempted appeal to history on behalf of parliamentary supremacy by a scholarly demonstration from the enactment clauses of early statutes that the king *ordained* with the *assent* of the lords and without the commons save as they *requested*. Answering the argument for democracy drawn from Aristotle, Filmer quotes the ancient philosopher's opposition to admitting workingmen to political participation. Criticizing the *Leviathan*, he pronounces the contract theory the weakest part of Hobbes' argument and unnecessary for his conclusion. More surprisingly, Filmer in 1652 advocated obedience to a usurper as a form of obedience to the true superior whose subjects are thereby preserved.—MARGARET SPAHR.

The current preoccupation with civil liberties problems in the country, unquestionably stimulated by the avowed objectives of our recent war effort, has given rise to a growing body of literature on the subject. Some of these writings are of a scholarly and research character; others are of a more popular nature, designed to reach the lay audience. In the latter category is a little pamphlet, *The Law of Civil Rights and Civil Liberties* (Oceana Publications, 461 W. 18th Street, New York 11, N.Y., 1949, pp. 104, paper, $1.00, cloth, $2.00), written by Edwin S. Newman, of the New York Bar. This publication is No. 13 of a Legal Almanac Series, the purpose of which is to state briefly and in non-technical language the law on various important subjects. The author classifies the various rights under the two headings of civil liberties, rights which can be asserted against the government, and civil rights, rights against persons. The study loses much of its value for political scientists because of the almost total lack of citations, but as a simple statement of basic propositions for the general reader it is clear, concise, and accurate, and considering its brevity, quite critical. The author obviously knows the cases and the statutes, and has accomplished what he set out to do.—DAVID FELLMAN.

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CHARLES B. HAGAN

AND

J. AUSTIN RANNEY

University of Illinois

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